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PART 1

**TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT
OBJECTIVES****§ 101. Short Title. [Ord. 766, 5/16/1996, § 1.0]**

This chapter shall be known as and may be cited as the "Borough of Elizabethtown Zoning Ordinance."

§ 102. Authority. [Ord. 766, 5/16/1996, § 1.1]

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the "Pennsylvania Municipalities Planning Code," July 31, 1968, as amended.

§ 103. Purpose. [Ord. 766, 5/16/1996, § 1.2]

This chapter is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This chapter is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.

§ 104. Community Development Objectives. [Ord. 766, 5/16/1996, § 1.3]

It is the intent of this chapter to promote and to foster the community development goals and objectives as contained in the Elizabethtown Borough Comprehensive Plan, as amended.

PART 2
DEFINITIONS

§ 201. Definitions. [Ord. 766, 5/16/1996, Art. 2; as amended by Ord. 876, 8/17/2006; by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

1. The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
2. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes any individual or group of individuals, a corporation, partnership or any other similar entity. The word "lot" includes the words "plot" or "parcel." The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

ABANDONMENT — The relinquishment of property; or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ACCESS DRIVE — A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING — A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of the main building or land and located on the same lot with such principal use or main building.

ACT — The Pennsylvania Municipalities Planning Code, Act 247, as amended.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, videotapes and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MASSAGE ESTABLISHMENT — Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of

physiotherapy operated by a medical practitioner, chiropractor or professional massage or physical therapist licensed by the Commonwealth of Pennsylvania.

AGRICULTURAL ANIMALS — Animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation, such as livestock and poultry, including but not limited to horses, swine, goats, ducks, chickens, turkeys, roosters, hens, cattle, deer, sheep and lambs.

AIR RIGHTS — The right to use space above ground level.

ALLEY — A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALLEY SHOPS — A permitted use, within the Central Business District, that has a main access onto an approved Borough alley.

ALTERATION — Any interior or exterior change to a building or structure; any renovation that changes the use, classification, or location of any building or structure. The meaning of this term shall not include "maintenance," as that term is defined in this chapter.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

AMENDMENT — A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Borough Council.

AMUSEMENT ARCADE — An establishment which has as its principal business offering to patrons mechanical or electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries, pool tables, videos, computer or similar devices and games.

ANIMAL GROOMING SERVICE — An establishment where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. No overnight boarding services shall be provided at the establishment.

ANIMAL HOSPITAL — A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

ANTENNA — Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

ANTENNA, SATELLITE DISH — A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth station(s) and satellite microwave antenna(s).

ANTENNA, AMATEUR RADIO — An antenna or any combination of a mast or tower plus an attached or mounted antenna, which transmits noncommercial and nonprofessional communication signals and is utilized by an operator licensed by the Federal Communications Commission. Guy wires for amateur radio antennas are considered part of the structure for the purpose of meeting development standards.

ANTENNA, COMMERCIAL COMMUNICATIONS — A structure that is partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air. Such devices shall include, but are not limited to, an antenna used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications.

APARTMENT — A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, bachelor apartments, studio apartments and kitchenette apartments. Conversion apartments are not included in the classification.

APARTMENT, CONVERSION — An existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

APARTMENT, GARDEN — A two story multifamily dwelling, containing one story dwelling units.

APARTMENT HOUSE — See definition of "dwelling, multifamily."

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA, BUILDING — See "building area."

AREA, LOT — The area contained within the property lines of a lot or as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

AUTOMOBILE BODY SHOP — A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

AUTOMOBILE SERVICE STATION — Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WASHING (CAR WASH) — A building on a lot, designed and used primarily for the washing, polishing, and/or detailing of automobiles, and which may provide accessory services set forth herein for automobile service stations.

BARBER/BEAUTY SHOP — An establishment which provides services relating to the cutting and styling of hair, manicures and facials.

BASEMENT — That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes, other than a game or recreation room.

BED-AND-BREAKFAST ESTABLISHMENT — A establishment providing for compensation, sleeping accommodations and breakfast for transient guests.

BLOCK — An area of land bounded by streets.

BUFFER YARD — See "yard, buffer."

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, and including covered porches or bay windows and chimneys. Garages and sheds and similar structures are to be considered a building under this chapter.

BUILDING AREA — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — A line parallel to the front, side or rear lot line so as to provide the required setback distances; the line of the face of the building nearest an adjacent right-of-way, street line or lot line. This includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING PERMIT — Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL — The building in which the principal use of a lot is conducted. Any building that is physically attached to a "principal building" shall be considered a part of that "principal building."

BUILDING SETBACK LINE — The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way or lot lines.

CAMPING GROUND — A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters.

CARPORT — A covered space, open on three sides, for the storage of one or more vehicles and accessory to a principal or accessory building.

CARTWAY — That portion of a street or alley which is improved, designed or intended for vehicular use.

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

CEMETERY — Land used or intended to be used for the burial of the deceased, including but not limited to columbarium, crematoria, mausoleums and mortuaries, when operated in conjunction with the cemetery and within its boundaries.

CERTIFICATE OF USE AND OCCUPANCY — A certificate, issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

CHURCH — A building used for public worship and/or education by a congregation, excluding buildings used exclusively for residential, burial, recreational or other uses not normally associated with worship. For purposes of this chapter, the term "church" shall include synagogue.

CLEAN WOOD — Natural, dry wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with substances, including, but not limited to, copper chromium arsenate, creosote, alkaline copper quaternary or pentachlorophenol.

CLEAR-SIGHT TRIANGLE — An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

CLUB and/or LODGE — A building and/or structure utilized as a private club offering food and/or drink privileges.

COMMON OPEN SPACE — See "open space, common."

COMMUNITY FAIR — The annual Elizabethtown fair held each calendar year.

CONDITIONAL USE — A use permitted in a particular zoning district pursuant to the provisions of Part 15.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building structure, including the placement of manufactured homes.

CONTRACTED ANIMAL FOSTER CARE PROGRAM — A program and/or service recognized through a contractual relationship with the Borough to promote animal safety and public health by providing temporary housing to animals defined in this Section as "pets" not to exceed 48 hours.

COVERAGE — That portion or percentage of the lot area covered by impervious materials.

DAY-CARE CENTER — A facility, or part of a facility, not in a private residence, offering baby-sitting, nursery school and/or child-care services, where tuition, fees or other compensation for the instruction and/or care of the

children is charged. Such facility shall meet all applicable licensing and registration requirements of the Pennsylvania Department of Public Welfare.

DAY-CARE RESIDENCE — A residence offering baby-sitting and/or child-care services for children unrelated to the resident household and meeting all applicable licensing and registration requirements of the Pennsylvania Department of Public Welfare. The baby-sitting and/or child-care services shall not commence earlier than 6:30 a.m. and shall not continue beyond 7:00 p.m.

DENSITY — A term used to express the allowable number of dwelling units per acre of land. "Net density" is the number of dwelling units per net acre. "Gross density" is the number of dwelling units per gross acre.

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

DRIVE-THROUGH SERVICE — An establishment which, by design, physical facilities, services or by packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

DRIVEWAY — An improved cartway designed and constructed to provide for vehicular movement between a street and a dwelling or dwellings.

DUMP — A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial or other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING — A building or structure designed for living quarters for one or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently

attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

DWELLING GROUP — A group of two or more single-family, two-family or multifamily dwellings occupying a lot in one ownership.

DWELLING, MANUFACTURED HOME — A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. For floodplain management purposes, this definition includes park trailers, travel trailers and other similar vehicles located on site for greater than 180 consecutive days.

DWELLING, MULTIFAMILY — A building used by three or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSE) — A dwelling used for one family and having two party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE-FAMILY, DETACHED — A building used by one family, having only one dwelling unit and having two side yards.

DWELLING, SINGLE-FAMILY, SEMIDETACHED — A dwelling used by one family, having one side yard and one party wall in common with another single-family semidetached unit.

DWELLING, TWO-FAMILY, DETACHED (DUPLEX) — A building used by two families, with one dwelling unit arranged over the other, and having two side yards.

DWELLING UNIT — A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, GROUND-FLOOR — A single unit providing complete independent living facilities for one or more persons which is located at grade or sidewalk elevation within a structure. A ground-floor dwelling unit is located in the front portion (streetside) of a building, rear position of a building or encompass the entire the entire first floor of a building.

EASEMENT — A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EATING ESTABLISHMENT — Any form of restaurant and/or tavern open to the public, dispensing food and drink.

ELECTRIC SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which bulk electric energy is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public. This definition includes transformer substations.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES — Electric public utilities transmission and distribution facilities, including substations.

EXISTING STRUCTURES AND PROPERTY MAINTENANCE CODE — The Borough of Elizabethtown Existing Structures and Property Maintenance Code [Chapter 5, Part 1], as may be amended from time to time.

FACADE — The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FACILITY OWNER, WIND ENERGY — The entity, person or entities having equity interest in the wind generated energy system, including their respective successors and assigns.

FAMILY — A single person occupying a dwelling unit and maintaining a house-hold or two or more persons related by blood, marriage, adoption or foster relationship occupying a dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger; or not more than five unrelated persons occupying a dwelling unit, living together and maintaining a common household; provided, further, that a family shall also include any number of unrelated persons who reside within a licensed group home as defined herein. It is the express intention of this definition to comply with the Fair Housing Amendments Act of 1988, P.L. 100-430, 102 Stat 1619.

FARM MARKET — A retail market featuring foods such as fruits, vegetables, meats, locally grown plants and/or imported produce items approved by the United States Food and Drug Administration, baked goods, prepared foods and beverages sold to consumers, on empty lots, tables, stands, indoor and outdoor structures, by farmers or agents of farmers. Live animals are excluded. **[Added by Ord. 975, 6/16/2016]**

FENCE — A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall if the wall is used as a fence.

FILL — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall

include the conditions resulting therefrom. Fill can also be defined as the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade or the material used to make a fill.

FINANCIAL INSTITUTION — Any commercial establishment that lends money or engages in finance-related business, but not including stockbrokerage firms, investment firms, and securities firms.

FITNESS CENTER — A facility that contains a full range of exercise equipment and classes designed to promote cardiovascular and general health conditioning. Such centers generally contain nautilus equipment, free weights, conditioning machines, aerobic activities and classes and locker room facilities.

FLOOD — A temporary inundation of normally dry land areas.

FLOOD, BASE (FIVE-HUNDRED-YEAR FLOOD) — A flood that, on the average, is likely to occur once every 500 years.

FLOOD FRINGE — That portion of the floodplain outside the floodway.

FLOODPLAIN —

- (1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

FLOODPLAIN ORDINANCE — The Borough of Elizabethtown Floodplain Ordinance [Chapter 8], as may be amended from time to time.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude without increasing the water surface elevation more than one foot at any point.

FLOOR AREA — The sum of the gross horizontal areas of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but

including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

FUNERAL HOMES — Establishments with facilities for the preparation of the dead for burial, for the cremation of the dead, for the viewing of the dead and for memorial services.

GARAGE, PRIVATE — An enclosed or covered space for the storage of one or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein, nor space therein for more than one vehicle or vessel is leased to a nonresident of the premises.

GARAGE, PUBLIC — Any structure, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles for compensation.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, in keeping with the Refuse and Recycling Ordinance, Chapter 20.

GARDEN APARTMENT — See definition of "apartment, garden."

GARDENING — The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GEOTHERMAL SYSTEM, CLOSED LOOP — A system that uses pipes containing a heat transfer liquid. The closed loop is designed and constructed so that the liquid does not come in contact with groundwater.

GEOTHERMAL SYSTEM, OPEN LOOP — A system that pumps groundwater to the heating and cooling equipment. The groundwater is then discharged into the ground, to the ground surface or to a body of water.

GOVERNING BODY — The Borough Council of Elizabethtown, Lancaster County, Pennsylvania.

GRADE, ESTABLISHED — The elevation of the center line of the streets, as officially established by the municipal authorities.

GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND-FLOOR — The floor of a building nearest the mean grade of the front of the building.

GROUP HOME — A facility or part of a facility providing shelter, counseling and other rehabilitative services in a family-like environment for residents who receive twenty-four-hour staff supervision and which is licensed under an applicable State program. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care. Group home activity shall not include housing of persons that have been clinically diagnosed as prone to violence and shall not provide housing and/or rehabilitative services to registered sexual offenders. A group home shall also be licensed and approved by the Pennsylvania Department of Public Welfare, the Pennsylvania Department of Health and/or applicable bureaus within the respective departments.

HAZARDOUS WASTE — Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air-pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (3) Meet the definition of hazardous waste as currently defined by the Pennsylvania Department of Environmental Protection.

HEIGHT OF BUILDING — See definition of "building height."

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein.

HOTEL — A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

IMPERVIOUS COVERAGE — See "coverage."

IMPERVIOUS MATERIAL — Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

INCINERATOR — An approved device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATIONAL ACTIVITY — A commercial establishment which offers leisure-time activities such as an entertainment or movie theater, a bowling alley, a skating rink, indoor golf or other similar uses.

INDUSTRY — The manufacturing, compounding, processing, assembly or treatment of materials, articles or merchandise.

INSTITUTION — A building or grounds, all or a portion of which is used by persons who occupy the buildings for a common purpose, including but not limited to hospitals, convents, school dormitories, college campuses, nursing homes; the education, administrative and/or recreational facilities of such organizations as the YMCA, YWCA, Boy Scouts, Girl Scouts and Boys Clubs; not to include penal institutions and similar facilities.

JUNKYARD — A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal or discarded material or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. The deposit or storage on a lot of two or more unlicensed, wrecked or disabled vehicles, or the major parts thereof, shall be deemed to constitute a junkyard.

KENNEL(S) — An enclosed building or structure for the keeping, sheltering, breeding, training, and/or selling of dogs, cats, or other small animals as defined in this Section under "pets."

LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

LANDSCAPE SCREEN — A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low-level and high-level screen. Earthen embankments, as detailed in this chapter, may be considered as a landscape screen.

LAUNDROMAT — A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIGHT INDUSTRIAL — The light assembly, disassembly, finishing or packaging of a product, such as electronic, scientific, or communication equipment or a product of similar character, publishing or photographic processing, research or testing laboratories, within an enclosed building and that do not produce the emission of noise, odor, gas, dust, smoke, vibration, or refuse matter.

LIGHTING —

- (1) **DIFFUSED** — That form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) **DIRECT or FLOOD** — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) **INDIRECT** — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE — An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT, CORNER — A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135° and the radius of the street line is less than 100 feet.

LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE — An interior lot having frontage on two streets.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The lines bounding a lot, as defined herein.

LOT, MINIMUM WIDTH — The minimum lot width at the building setback line.

LOT, NONCONFORMING — See "nonconforming lot."

LOT OF RECORD — A lot which has been recorded in the office of the Recorder of Deeds of Lancaster County, Pennsylvania.

LOT, REVERSE-FRONTAGE — A lot extending between, and having frontage on an arterial street and a minor street and with vehicular access solely from the latter.

LOT WIDTH — The horizontal distance between the side lines of a lot, measured at right angles to its depth, along a straight line parallel to the front lot line at the minimum required building setback line.

MAINTENANCE — Except as otherwise provided by state law, shall constitute replacement or repair to a building or structure which maintains original dimensions and use, to include but not be limited to replacement of windows in the same dimensions, replacement of existing flooring, wall coverings, painting, replacement of existing countertops with those of the same dimension, replacement of existing appliances, sinks or other existing plumbing fixtures with like materials, repairs or replacement of existing HVAC or electrical fixtures, roof shingles, or repaving existing paved

surfaces. Replacement of a roof structure shall not constitute maintenance and shall require a permit.

MANUFACTURED HOME DWELLING — See definition of "dwelling, manufactured home."

MANUFACTURING — The processing and/or converting of raw unfinished or finished materials or products or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MASSAGE — Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical/electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

MEDICAL AND HEALTH SERVICES — A structure intended for providing medical examination and service to the public, excluding overnight care.

MEDICAL CENTER — Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services. This definition does not include a dentist's office, optician's office or similar medical office that is housed in a single unit used exclusively for that purpose (see "personal service establishment").

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED USE — Occupancy of a building or land for more than one use.

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

MUNICIPAL BUILDINGS AND FACILITIES — Municipal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such government.

MUSEUM — An establishment of a noncommercial nature used for the display of art, historic or science objects for the purpose of education and research.

NIGHTCLUBS — A place where entertainment in the form of live or prerecorded music is offered and/or dancing by the general public occurs. The serving of food and/or alcoholic beverages may occur.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, or pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including but not limited to parking, signs, or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions herein or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this chapter or amendment to its location by reason of annexation.

NURSERY, HORTICULTURE — Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants, including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME — A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OBSCENE MATERIALS — Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and, taken as a whole, appeals to the prurient interest; and, taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

OFFICE BUILDING — A building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL — A room or rooms used for the carrying on of a profession, to include but not be limited to physicians, dentists, architects, engineers, accountants, attorneys, real-estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

OPEN SPACE — The unoccupied space open to the sky on the same lot with the building, not including parking lots and stormwater facilities.

OPEN SPACE, COMMON — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

OPERATOR, WIND ENERGY GENERATED SYSTEMS — The person or entity that will be responsible for the day-to-day operation and maintenance of the wind generated energy system.

OUTDOOR EATING (CAFE) — An exterior seating area associated with a restaurant or other place serving food and/or beverages, which is under constant supervision of an employee of the business, or an unsupervised seating area of a restaurant or other place serving food and/or beverages.

OUTDOOR HYDRONIC HEATER — Any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situated within a building intended for habitation by humans or animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system or component thereof which provides heat or hot water to a principal structure used for human or animal habitation, or to any accessory uses or structures, including, but not limited to, greenhouses, conservatories, and swimming pools. For the purpose of this particular appliance, a chimney shall mean any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor hydronic heater. Such appliances are also commonly referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor solid-fuel-fired boiler heaters.

PARKING LOT — Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE — The space within a building, or on a lot or parking lot, for the parking or storage of one vehicle.

PARTY WALL — A common shared wall between two separate structures, buildings or dwelling units.

PAVED AREA — When required herein, that amount of land required for the location of adequate parking spaces, driveways, or other access roads. In the computation of a paved area, the actual building area shall be excluded.

PERSON — Any individual or group of individuals, corporations, partnership or any similar entity.

PERSONAL SERVICE ESTABLISHMENT — A structure, or portion thereof, in which the services of a person, licensed to practice a specific profession, are offered to the general public. Personal services shall include but not be limited to agents, barbers, beauticians, cleaners, doctors, lawyers, optometrists, funeral directors, licensed psychologists, counselors/therapists, as well as photographers, post offices, tailors, and utility collection offices. Personal service establishments shall not include retail sales, arcades, amusements, massage establishments, or tattoo parlors or other similar uses.

PETS — Small domestic animals, including but not limited to those animals customarily raised, kept and maintained by people living in developed, residential communities such as dogs, cats, rabbits, and birds and fish. All wild or exotic mammals, reptiles, amphibians, fish, insects or birds, especially predatory species, are prohibited as pets, including livestock, poultry and wild animals as identified by the Pennsylvania Wildlife Code, which include but are not limited to horses, cows, pigs, goats, sheep, snakes over three feet long, pigeons, poisonous tarantulas, venomous scorpions, skunks, chickens, roosters, hens and any other animals that create a safety hazard and negatively impact the ecological system(s).

PLANNING COMMISSION — The Planning Commission of the Borough of Elizabethtown, Lancaster County, Pennsylvania.

PREMISES — Any lot, parcel or tract of land and any building constructed there-on.

PRIVATE — Not publicly owned, operated or controlled.

PRIVATE ROAD — A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

PROFESSIONAL OCCUPATION — The practice of a profession by any professional, including but not limited to attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PRURIENT INTEREST — Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups, in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

PUBLIC — Owned, operated or controlled by a government agency (Federal, State or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC GROUNDS — Public grounds include the following:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance herein.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE — A notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be less than seven days from the date of the hearing.

PUBLIC USE — Public and semipublic uses of a welfare and educational nature, including but not limited to hospitals, schools, parks, churches, cemeteries, daycare centers, historical restorations, fire stations, municipal buildings, essential public utilities which require enclosure within a building, airports, fraternal clubs and homes, nonprofit recreational facilities, easements for alleys, streets and public utility rights-of-way, and radio and television transmission facilities.

PUBLIC UTILITY FACILITIES — Public utility transmission and distribution facilities, including substations and the like.

RESIDENTIAL-CARE HOME — A building or buildings on contiguous property housing six or more handicapped or socially dependent persons and to include residential-care facility, residential-training facility and residential-treatment facility.

RESTAURANT, CAFE or TEA ROOM — An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation or accommodation of services or products to the patrons' automobiles, on or within the premises.

RETAIL PET SHOP — An establishment that engages in selling dogs, cats or other animals defined in this Section under "pets," as well as other items for pet usage that shall include but be not limited to toys, food and health and cosmetic products.

RETAIL SALES — A use in which merchandise, goods and commodities are sold or rented to the general public, but not including pawn shops, retail sales of motor vehicles, boats or any use meeting the definition of an "adult movie theater" or "adult bookstore," nor manufacturing.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be used or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

RUBBISH — Combustible and noncombustible waste materials, except garbage, to include residue from burning of wood, coke, coal or other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, in keeping with the Refuse and Recycling Ordinance, Chapter 20.

SATELLITE DISH — See definition of "antenna, satellite dish."

SCHOOL — An elementary or secondary school that is public, private and/or of a religious nature, that provides instruction for students in grades K-12 and is recognized under the education laws of the Commonwealth of Pennsylvania.

SCHOOL, CREATIVE AND PERFORMING ARTS — An establishment, program, and/or institution that provides students with instruction to master the skill of creative writing, dance, instrument arts, visual arts, martial arts, drawing, painting and/or acting.

SCHOOL, NURSERY — See definition of "day-care center."

SCREEN PLANTING — A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEXUAL CONDUCT — Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals.

SEXUAL EXCITEMENT — The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

SHOPPING CENTER — A group of stores planned and designed to function as a unit for the lot on which it is located, with off-street parking provided as an integral part of the unit.

SIGHT DISTANCE — The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN — Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. See Part 17 for definitions.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any adjoining property.

SITE DEVELOPMENT PLAN — A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, heights of buildings and structures, and other such data necessary for municipal officials to determine compliance with this chapter and appropriate provisions of other such ordinances, as they may apply.

SOLAR ACCESS — A property owner's right to have the sunlight shine on his land.

SOLAR ENERGY SYSTEM — An energy conversion system, including appurtenances, which converts solar energy to an electric or thermodynamic form of energy to meet all or part of the energy requirements of the on-site residential and commercial user.

SPECIAL EXCEPTION — A use permitted in a particular zoning district pursuant to the provisions of Part 14.

STORAGE FACILITY — A structure intended for lease for the sole purpose of storing household goods, motor vehicles or recreational equipment.

STORY — That portion of a building located between the surface of any floor and the ceiling or roof above it.

STORY, HALF — A story under a gabled, hipped or gambreled roof, the wall plates of which on at least two opposite exterior walls are not over three feet above the finished floor of such story.

STREET — A public right-of-way constructed to municipal standards which includes avenue, boulevard, road, highway, freeway, parkway and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. A street shall not include a lane or alley for purposes of this chapter.

STREET CENTER LINE — The center of the surveyed street right-of-way or, where not surveyed, the center of the traveled cartway.

STREET, CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STREET GRADE — The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE — The street line is the right-of-way line of a public street or the cartway line of a private street.

STREET, MAJOR —

- (1) **ARTERIAL STREET** — A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- (2) **COLLECTOR STREET** — A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

STREET, MINOR — A street used primarily for access to abutting properties.

STREET WIDTH — The distance between street lines measured at right angles to the center line of the street.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

STRUCTURE, ACCESSORY — A structure that is clearly customary and incidental to a principal use.

STRUCTURE, TEMPORARY — A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

STRUCTURE, NONCONFORMING — See definition of "nonconforming structure."

STUDIO — A building or portion of a building used as a place of work by an artist, photographer or artisan, or used for radio or television broadcasting or production.

STUDIO, DANCING or MUSIC — The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "dancing school" and "music school" and other similar expressions.

SUBDIVISION — (See "land development"). The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwelling, shall be exempted.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, that has a depth of more than 24 inches of water intended for recreational bathing or swimming. Includes spas and hot tubs.

TATTOO PARLOR — A personal service for the injection or application of ink to the skin, which is intended to be permanent or semipermanent. This term shall encompass tattoos, permanent cosmetics, dermagraphic art, body art, or other similar processes or terms.

TAVERN — A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur.

TEMPORARY — A limited, nonpermanent, provisional period.

THEATER — A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

UNDEVELOPED LAND — Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

UNIFORM CONSTRUCTION CODE — The Borough Uniform Construction Code in effect on the date an application for a permit is filed.

USE — The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING — See definition of "nonconforming use."

USE, PRINCIPAL — The primary or predominant use of any lot.

USE, TEMPORARY — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE — Relief granted pursuant to the provisions of Part 20.

VEGETATIVE COVER — Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICULAR SALES ESTABLISHMENT — A building or lot or part thereof used for the sale, hire or remuneration from automotive equipment, including vehicular accessory sales, but not including the sale of junked vehicular equipment.

WALL, ARCHITECTURAL AND DECORATIVE — A structure that is erected for cosmetic and aesthetic purposes to compliment the context, design and facade of the principal and/or accessory building(s) within the neighborhood.

WALL, ENGINEERING RETAINING — A structure made of concrete, masonry, ecology block, and/or steel that is constructed vertically to resist lateral earth and/or fluid pressure, including any liquid surcharges.

WALL, SCREENING — A color-consistent solid opaque structure made out of brick, stone, board fencing, chain-linked fencing, screen planting or decorative concrete block.

WIND ENERGY FACILITY — An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WINDMILL — A device that converts wind energy to mechanical or electrical energy.

WIND POWER DEVICE — An electric generating facility or apparatus whose main purpose is to supply electricity. These devices shall include windmills, wind turbines and wind energy facilities.

WINDMILL ROTOR — The portion of the windmill that is intended to be moved or activated by the wind.

WINDMILL TOWER — The supporting structure on which the rotor and accessory equipment are mounted.

WIND TURBINE — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower, and pad transformer, if any.

YARD — An unoccupied space, outside of the existing building line of the principal use, on the same lot with a building or structure.

YARD, BUFFER — A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this chapter, and on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this chapter.

YARD, FRONT — The open space between the street right-of-way and the principal building.

YARD, INTERIOR — An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.

YARD, REAR — The open space between the rear line of the principal building and the rear line of the lot and extending the width of the lot, with the exception of a corner lot. (See § 1321.2.)

YARD, SIDE — The area(s) between a principal structure and any side lot line(s) and extending from the front line to the rear of the principal building except for a corner lot. (See § 1321.2.)

ZONING — The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING MAP — The map setting forth the boundaries of the zoning districts of the Borough which shall be a part of this chapter.

ZONING PERMIT — A permit stating that the purpose for which a building and/or structure or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the district in which it is or will be located.

ZONING OFFICER — The duly constituted Borough official designated to administer and enforce this chapter in accordance with its literal terms.

PART 3
DESIGNATION OF DISTRICTS

§ 301. Zoning Districts. [Ord. 766, 5/16/1996, § 3.0; as amended by Ord. 876, 8/17/2006; and by Ord. 975, 6/16/2016]

For the purpose of this chapter, the Borough is hereby divided into districts which shall be designated as follows:

- A. OS&C — Open Space and Conservation District.
- B. INS — Institutional District.
- C. R-1 — R-1 Low-Density Residential District.
- D. R-2 — R-2 Medium-Density Residential District.
- E. R-3 — R-3 High-Density Residential District.
- F. C-CBD — Commercial District; Central Business District.
- G. G-C — Commercial District; General Commercial.
- H. LI— Light Industrial District.
- I. G-I — General Industrial District.
- J. MU — Mixed-Use District.

§ 302. Zoning Map. [Ord. 766, 5/16/1996, § 3.1; as amended by Ord. 876, 8/17/2006; and by Ord. 975, 6/16/2016]

1. The boundaries of the OS&C, INS, R-1, R-2, R-3, C-CBD, G-C, LI, G-I and MU Districts shall be as shown upon the map attached to and made a part of this chapter, which shall be designated "Zoning Map." Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein. **[Amended by Ord. 975, 6/16/2016]**
2. The boundaries of the Floodplain — Floodway and Flood Fringe Districts are overlays to the underlying zoning districts as shown on the official Zoning Map, and as specifically described in the Floodway Data Table and five-hundred-year flood delineation in the Flood Insurance Study (FIS) prepared for the Borough by the Flood Insurance Administration (FIA). The said study and accompanying maps, all notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.

§ 303. Boundaries Between the OS&C, INS, R-1, R-2, R-3, C-CBD, G-C, L-I, G-I and MU Districts. [Ord. 766, 5/16/1996, § 3.2; as amended by Ord. 876, 8/17/2006; and by Ord. 975, 6/16/2016]

1. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines or such lines extended, or lines parallel thereto.
2. Where figures are shown on the Zoning Map between a street, alley, right-of-way or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
3. Where district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the Zoning Map.

§ 304. Interpretation of Boundaries. [Ord. 766, 5/16/1996, § 3.3; as amended by Ord. 876, 8/17/2006; and by Ord. 975, 6/16/2016]

When an OS&C, INS, R-1, R-2, R-3, C-CBD, G-C, LI, G-I and MU District boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 50 feet beyond the district boundary line.

§ 305. Application of General Provisions. [Ord. 766, 5/16/1996, § 3.4]

Under this chapter, Parts 13 through 20, inclusive, shall be considered as general provisions that apply to all zoning districts, wherever applicable. The Zoning Officer, Zoning Hearing Board, Planning Commission and/or Borough Council shall administer this chapter in compliance with these general provisions as detailed in the above mentioned Parts.

§ 306. Uses Not Provided For. [Ord. 766, 5/16/1996, § 13.21; as amended by Ord. 882, 2/15/2006]

Uses of the same general character as the uses permitted by right, special exception or conditional use in the district shall be allowed if determined by the Zoning Hearing Board that the impact of the use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the district. If the use is permitted elsewhere in this chapter, then a use variance may not be applied for. If the use is not provided for in any district, then the applicant may apply for a use variance to the Zoning Hearing Board. A use variance application to the Zoning Hearing Board may be recommended by the Zoning Officer for uses not specifically permitted or not permitted within this chapter.

PART 4

OPEN SPACE AND CONSERVATION DISTRICT¹**§ 401. Intended Purpose. [Ord. 766, 5/16/1996, § 4.1; as amended by Ord. 975, 6/16/2016]**

The purpose of the Open Space and Conservation District is to preserve and/or conserve streams, creeks, drainageways and other vital waterways, protecting sensitive natural resources for recreational and conservation purposes. Limited uses are permitted which are consistent with the goal of protecting sensitive natural areas and providing for public recreation and open space.

§ 402. Permitted Uses. [Ord. 766, 5/16/1996, § 4.2]

1. Public and private conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.
2. Public utility and communication uses where operation requirements necessitate locating within the district.
3. Park and recreation uses.
4. Municipal buildings and facilities.

§ 403. Accessory Uses. [Ord. 766, 5/16/1996, § 4.3]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted with the exception of a home occupation. Each accessory use shall comply with the provisions contained in the supplemental regulations.

§ 404. Height Regulations. [Ord. 766, 5/16/1996, § 4.4]

The height of a building shall not exceed 35 feet.

§ 405. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 4.5]

Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district:

- A. Lot area: one acre.
- B. Minimum lot width: 100 feet.
- C. Coverage regulations: Lot coverage shall not exceed 20%. The remainder of the lot must be maintained in a vegetative cover or natural state.

¹Editor's Note: The title of Part 4 was amended by Ord. 975, 6/16/2016.

§ 406. Setback Regulations. [Ord. 766, 5/16/1996, § 4.6]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 50 feet.
- B. Side yards: 20 feet.
- C. Rear yard: 25 feet.

§ 407. Off-Street Parking/Access. [Ord. 766, 5/16/1996, § 4.7]

Parking and access shall be provided in accordance with Part 16.

PART 5

INS INSTITUTIONAL DISTRICT

§ 501. Intended Purpose. [Ord. 766, 5/16/1996, § 5.1; as amended by Ord. 975, 6/16/2016]

The purpose of the Institutional District is to establish and accommodate institutional development that will serve and benefit community organizations and needs or entities of an institutional nature, such as educational, recreational and religious uses.

§ 502. Permitted Uses. [Ord. 766, 5/16/1996, § 5.2; as amended by Ord. 946, 3/21/2013]

1. Churches or similar places of worship, parish houses, and convents.
2. Public and private schools.
3. Day-care centers.
4. Institutional headquarters for educational, professional, religious and other nonprofit organizations.
5. Municipal buildings and facilities.
6. Cemeteries.
7. Public and private parks, playgrounds, open spaces and recreational uses.
8. Colleges.
9. Public utility and communication uses where operation requirements necessitate locating within the district.
10. Outdoor eating activity as an accessory use to a permitted principal use.
11. School of creative and performing arts as defined in Part 2, § 201.

§ 503. Special Exceptions. [Ord. 882, 2/15/2007; as amended by Ord. 946, 3/21/2013]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations and the regulations of Part 14, Special Exceptions.

- A. Annual community fair.

§ 504. Conditional Uses. [Ord. 766, 5/16/1996; as amended by Ord. 866, 12/15/2005, § 1; and by Ord. 882, 2/15/2007]

The following conditional uses may be permitted by Borough Council following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations:

- A. Adaptive reuse of a building or group of buildings.
- B. Structures, buildings and/or uses in excess of 10,000 square feet: permitted uses that involve construction or the modification of structures, buildings, and/or uses that result in structures, buildings, and/or uses in excess of 10,000 square feet (gross floor area or gross square footage for athletic fields and similar uses). This applies to new structures, buildings and/or uses greater than 10,000 square feet and existing structures when modified and/or when a structure, building and/or use is added to the existing structure, building, and/or use to result in greater than 10,000 square feet combined. Conditional use review is pursuant to the standards and criteria set forth in § 1516.

§ 505. Accessory Uses. [Ord. 766, 5/16/1996, § 5.3; as amended by Ord. 882, 2/15/2007]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted. Each accessory use shall comply with the provisions contained in the supplemental regulations.

§ 506. Height Regulations. [Ord. 766, 5/16/1996, § 5.4; as amended by Ord. 866, 12/15/2005, § 2; as amended by Ord. 882, 2/15/2007]

No principal building shall exceed 45 feet in height, provided that such height limit may be exceeded by one foot for each additional foot by which the width of front, rear and side yards exceeds the minimum yard requirements, up to a maximum height of 60 feet.

§ 507. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 5.5; as amended by Ord. 866, 12/15/2005, § 2; and by Ord. 882, 2/15/2007]

Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district:

- A. Lot area: one acre.
- B. Minimum lot width: 100 feet.
- C. Coverage regulations: Lot coverage shall not exceed 50%. The remainder of the lot must be maintained in a vegetative cover or natural state.

§ 508. Setback Regulations. [Ord. 766, 5/16/1996, § 5.6; as amended by Ord. 866, 12/15/2005, § 2; and by Ord. 882, 2/15/2007]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 40 feet.
- B. Side yards: 25 feet.
- C. Rear yard: 25 feet.

§ 509. Off-Street Parking/Access and Loading/Unloading. [Ord. 766, 5/16/1996, § 5.7; as amended by Ord. 866, 12/15/2005, § 2; and by Ord. 882, 2/15/2007]

Off-street parking/access and loading/unloading shall be provided in accordance with Part 16.

PART 6

R-1 LOW-DENSITY RESIDENTIAL DISTRICT²**§ 601. Intended Purpose. [Ord. 766, 5/16/1996, § 6.1; as amended by Ord. 975, 6/16/2016]**

The R-1 Low-Density Residential District is comprised of those areas where single-family detached dwellings are predominant. This district generally coincides with potential sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities and design standards have been adjusted according to the availability of these public utilities.

§ 602. Permitted Uses. [Ord. 766, 5/16/1996, § 6.2; as amended by Ord. 882, 2/15/2007]

1. Single-family detached dwellings.
2. Municipal buildings and facilities.
3. Public utility and communication uses where operation requirements necessitate locating within the district.
4. No-impact home occupations.

§ 603. Special Exceptions. [Ord. 766, 5/16/1996, § 6.3; as amended by Ord. 882, 2/15/2007]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 14:

- A. Churches or similar places of worship, parish houses, and convents.
- B. Public and private schools.
- C. Day-care residences for not more than four individuals, excluding children who permanently reside at the residence.

§ 604. Conditional Uses. [Ord. 766, 5/16/1996, § 6.4; as amended by Ord. 798, 6/17/1999, § 1; and by Ord. 882, 2/15/2007]

The following conditional uses may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and

²Editor's Note: The title of Part 6 was amended by Ord. 975, 6/16/2016.

criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Group homes for not more than three individuals, including staff and supervisory personnel.
- B. College-related uses, to include educational, visitor residential (defined as a person residing in a structure on a temporary basis while a visitor at or guest of the college for a period of time not to exceed 30 consecutive days in any ninety-day period), administrative or institutional support services, offices and headquarters.

§ 605. Accessory Uses. [Ord. 766, 5/16/1996, § 6.5]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted, with the exception of a home occupation. Each accessory use shall comply with the provisions contained in the supplemental regulations.

§ 606. Height Regulations. [Ord. 766, 5/16/1996, § 6.6]

The height of a building shall not exceed 35 feet.

§ 607. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 6.7; as amended by Ord. 882, 2/15/2007]

Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district:

- A. Lot area.
 - (1) Single-family detached dwelling: 12,000 square feet.
 - (2) For a permitted nonresidential use: 8,000 square feet.
- B. Lot width.
 - (1) Minimum lot width at street line: 60 feet.
 - (2) Minimum lot width at setback line: 75 feet.
- C. Coverage regulations: Lot coverage shall not exceed 35%. The remainder of the lot must be maintained in a vegetative cover and natural state, with at least 25% of the front yard area maintained as grass.
- D. Minimum lot depth: 100 feet.

§ 608. Setback Regulations. [Ord. 766, 5/16/1996, § 6.8]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 30 feet.
- B. Side yards: 10 feet.
- C. Rear yard: 25 feet for residential uses; 35 feet for nonresidential uses.
- D. Where required, buffer yards/screening shall be provided in accordance with the supplemental regulations.

§ 609. Off-Street Parking/Access. [Ord. 766, 5/16/1996, § 6.9]

Parking and access shall be provided in accordance with Part 16.

PART 7

R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT³**§ 701. Intended Purpose. [Ord. 766, 5/16/1996, § 7.1; as amended by Ord. 975, 6/16/2016]**

The R-2 Medium-Density Residential District is comprised of a mix of housing types and densities. The purpose of the district is to stabilize and preserve areas of the community to provide for a suitable environment for family life. Certain nonresidential uses are allowed by right, or by special exception, to provide for convenient access to the higher concentration of residents. This district generally coincides with public utility service areas. As a result, permitted densities and housing types require the use of these public utilities.

§ 702. Permitted Uses. [Ord. 766, 5/16/1996, § 7.2; as amended by Ord. 882, 2/15/2007]

1. Single-family detached dwellings.
2. Single-family semidetached dwellings. This permitted use applies only to new construction. A single-family detached dwelling may not be converted into a semidetached dwelling.
3. Municipal buildings and facilities.
4. Public utility and communication uses where operation requirements necessitate locating within the district.
5. No-impact home occupations.

§ 703. Special Exceptions. [Ord. 766, 5/16/1996, § 7.3; as amended by Ord. 882, 2/15/2007]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the special exception regulations, Part 14:

- A. Home occupations.
- B. Churches or similar places of worship, parish houses, and convents.
- C. Public and private schools.
- D. Day-care residences for no more than six individuals, excluding children who permanently reside at the residence.

³Editor's Note: The title of Part 7 was amended by Ord. 975, 6/16/2016.

§ 704. Accessory Uses. [Ord. 766, 5/16/1996, § 7.4]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted, with the exception of a home occupation. Each accessory use shall comply with the provisions contained in the supplemental regulations.

§ 705. Conditional Uses. [Ord. 766, 5/16/1996, § 7.5; as amended by Ord. 882, 2/15/2007]

The following conditional uses may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Group homes for no more than six individuals, including staff and supervisory personnel.

§ 706. Height Regulations. [Ord. 766, 5/16/1996, § 7.6]

The height of a building shall not exceed 35 feet.

§ 707. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 7.7; as amended by Ord. 882, 2/15/2007]

1. Lot area, lot width and lot depth requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district. The minimum lot area, lot width and lot depth requirements are established for each dwelling unit:

Use	Lot Width			
	Lot Area (square feet)	Street (feet)	Setback (feet)	Lot Depth (feet)
Single-family detached	8,000	55	60	100
Single-family semidetached	4,000/unit	40	40	100
Nonresidential use	6,000	55	60	100

2. Coverage regulations. Lot coverage shall not exceed 45%. The remainder of the lot must be maintained in a vegetative cover or natural state, with at least 25% of the front yard area maintained as grass.

§ 708. Setback Regulations. [Ord. 766, 5/16/1996, § 7.8]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 25 feet.
- B. Side yards: eight feet for residential uses; 15 feet for nonresidential uses.
- C. Rear yard: 25 feet for residential uses; 35 feet for nonresidential uses.
- D. Where required, buffer yards/screening shall be provided in accordance with the supplemental regulations.

§ 709. Off-Street Parking/Access. [Ord. 766, 5/16/1996, § 7.9]

Parking and access shall be provided in accordance with Part 16.

PART 8

R-3 HIGH-DENSITY RESIDENTIAL DISTRICT⁴**§ 801. Intended Purpose. [Ord. 766, 5/16/1996, § 8.1; as amended by Ord. 975, 6/16/2016]**

The R-3 High-Density Residential District is comprised of the highest permitted density of residential uses. A mix of housing types is encouraged. This district is located in proximity to the infrastructure to support higher-density development, such as transportation infrastructure, public water and sewer utilities, and commercial districts. Certain nonresidential uses are allowed by right, or by special exception, to provide for convenient access to the higher concentration of residents. This district generally coincides with public utility service areas. As a result, permitted densities and housing types require the use of these public utilities.

§ 802. Permitted Uses. [Ord. 766, 5/16/1996, § 8.2; as amended by Ord. 882, 2/15/2007]

1. Single-family detached dwellings.
2. Single-family semidetached dwellings.
3. Two-family detached dwellings.
4. Single-family attached dwellings (rowhouses or townhouses).
5. Conversion apartments.
6. Bed-and-breakfast establishments (up to three rooms).
7. Municipal buildings and facilities.
8. Public utility and communication uses where operation requirements necessitate locating within the district.
9. No-impact home occupations.

§ 803. Special Exceptions. [Ord. 766, 5/16/1996, § 8.3; as amended by Ord. 882, 2/15/2007]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the special exception regulations, Part 14:

- A. Home occupations.
- B. Churches or similar places of worship, parish houses, and convents.

⁴Editor's Note: The title of Part 8 was amended by Ord. 975, 6/16/2016.

- C. Day-care residences for not more than eight individuals, excluding children who permanently reside at the residence.

§ 804. Accessory Uses. [Ord. 766, 5/16/1996, § 8.4]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use, with the exception of a home occupation. Each accessory use shall comply with the provisions contained in the supplemental regulations.

§ 805. Conditional Uses. [Ord. 766, 5/16/1996, § 8.5; as amended by Ord. 882, 2/15/2007]

The following conditional uses may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Apartments, garden apartments, apartment houses.
- B. Public and private schools.
- C. Day-care centers.
- D. Group homes for no more than eight individuals, including staff and supervisory personnel.
- E. Bed-and-breakfast establishments for more than four rooms.
- F. Funeral homes.
- G. Nursing homes.
- H. Clubs, lodges and fraternal organizations.

§ 806. Height Regulations. [Ord. 766, 5/16/1996, § 8.6]

The height of a building shall not exceed 35 feet.

§ 807. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 8.7; as amended by Ord. 882, 2/15/2007]

1. Lot area, lot width and lot depth requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district. The minimum lot area, lot width and lot depth requirements are established for each dwelling unit.

Use	Lot Width			
	Lot Area (square feet)	Street (feet)	Setback (feet)	Lot Depth (feet)
Single-family detached	6,000	55	60	100
Single-family semidetached	3,000/unit	30	30	100
Single-family attached	2,500/unit	20	20	100
Two-family detached	3,000/unit	55 ¹	60 ¹	100
Conversion apartments	4,000	45	50	100
Apartment dwellings	4,500/unit	55	60	100
Nonresidential uses	5,000	55	60	100

¹ per dwelling unit

2. Coverage regulations. Lot coverage shall not exceed 50%. The remainder of the lot must be maintained in a vegetative cover or natural state, with at least 25% of the front yard area maintained as grass.

§ 808. Setback Regulations. [Ord. 766, 5/16/1996, § 8.8]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 20 feet.
- B. Side yards: eight feet for residential uses; 10 feet for nonresidential uses.
- C. Rear yard: 25 feet for residential uses; 35 feet for nonresidential uses.
- D. Where required, buffer yards/screening shall be provided in accordance with the supplemental regulations.

§ 809. Off-Street Parking/Access. [Ord. 766, 5/16/1996, § 8.9]

Parking and access shall be provided in accordance with Part 16.

PART 9

CBD CENTRAL BUSINESS DISTRICT

§ 901. Intended Purpose. [Ord. 766, 5/16/1996, § 9.1; as amended by Ord. 975, 6/16/2016]

The purpose of the Central Business District is to provide for a unified and organized arrangement of buildings, services and parking areas, together with adequate circulation and open space planned and designed as an integrated unit, in a manner so as to provide efficient, safe, convenient, and attractive shopping retail and service areas and to encourage and preserve the vitality of the Central Business District.

§ 902. Permitted Uses. [Ord. 766, 5/16/1996, § 9.2; as amended by Ord. 814, 6/15/2000, § 1; by Ord. 882, 2/15/2007; and Ord. 946, 3/21/2013]

1. Dwelling units, provided they are located on or above the second-floor level of a nonresidential use in accordance with Part 13, supplemental regulations, and § 907.
2. Financial institutions, excluding drive-in services and check-cashing establishments.
3. Business and professional offices; professional occupations.
4. Restaurants, tea rooms, cafes and other places serving food and/or beverages. Drive through services regulated by Part 14, Special Exceptions.
5. Retail businesses, excluding pawn shops, whose principal activity is the sale of merchandise in an enclosed building.
6. Retail sales in which both a workshop and/or repair shop and retail showroom are required.
7. Funeral homes.
8. Hotels and bed-and-breakfast establishments.
9. Studios or galleries for the display and/or instruction of dance, art, music or similar cultural pursuits.
10. Movie theaters and performing arts theaters.
11. Indoor recreational facilities, excluding amusement arcades.
12. Bakery, candy, pastry, confectionery or ice cream retail sales permitted.
13. Public utility and communication uses where operation requirements necessitate locating within the district.

14. Municipal buildings and facilities.
15. Post offices.
16. Clubs, lodges and fraternal organizations.
17. Personal service establishments, excluding tattoo parlors and body piercing or branding establishments.
18. Reproduction or copying services.
19. Museums.
20. Public libraries and library facilities.
21. No-impact home occupations.
22. Retail pet shops.
23. Outdoor eating activity as an accessory use to a permitted principal use.
24. Farm market. **[Added by Ord. 975, 6/16/2016]**

§ 903. Special Exceptions. [Ord. 766, 5/16/1996, § 9.3; as amended by Ord. 882, 2/15/2007; and Ord. 946, 3/21/2013]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the special exception regulations, Part 14:

- A. Drive-through services.
- B. Parking facilities as a principal use.
- C. Churches and similar places of worship.
- D. Home occupations.
- E. Laundromats.
- F. Nightclubs and taverns.
- G. Demolition of buildings, excluding accessory structures. (See § 1415.)

§ 904. Accessory Uses. [Ord. 766, 5/16/1996, § 9.4]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted, with the exception of a home occupation, outdoor eating activity or drive-through service. Each accessory use shall comply with the provisions contained in the supplemental regulations.

§ 905. Conditional Uses. [Ord. 766, 5/16/1996, § 9.5; as amended by Ord. 882, 2/15/2007; and Ord. 946, 3/21/2013]

The following conditional uses may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Ground-floor dwelling units.
- B. Group homes for no more than eight individuals, including staff and supervisory personnel.
- C. (Reserved)
- D. Permitted uses utilizing greater than 10,000 square feet of gross floor area. Conditional use review is pursuant to the standards and criteria set forth in § 1516.

§ 906. Use Restrictions. [Ord. 766, 5/16/1996, § 9.6]

The above-specified uses shall be permitted only under the following conditions:

- A. Such stores, shops and businesses shall be conducted within an enclosed building.
- B. Such uses, operations or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with § 1313.
- C. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store, and when all such products are sold on the premises.
- D. Residential units, either new or conversions, must meet the regulations of the Borough's Existing Structures/Property Maintenance Code [Chapter 5, Part 1].

§ 907. Conversion of Accessory Structures into Residential Units. [Ord. 766, 5/16/1996; as added by Ord. 829, 11/15/2001]

Accessory buildings, such as garages, barns and sheds, may not be converted into residential units. Residential conversion can only occur within the applicable regulations contained in this Part.

§ 908. Minimum Height Requirements. [Ord. 766, 5/16/1996, § 9.8; as amended by Ord. 946, 3/21/2013]

The minimum height requirement of a building shall be 35 feet.

§ 909. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 9.9; as amended by Ord. 946, 3/21/2013]

1. Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district.
2. No minimum lot area, lot width or impervious coverage requirement shall be required for any uses permitted within this district.

§ 910. Setback Regulations. [Ord. 766, 5/16/1996, § 9.10; as amended by Ord. 946, 3/21/2013]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: none.
- B. Side yards: none.
- C. Rear yard: 10 feet from an alley.
- D. In an effort to preserve the existing character of the buildings within this district, those buildings located on North Market Street, between Hummelstown Street and Summit Street, and East High Street, between Cherry Alley and Gladys Alley, may not encroach upon the front yard or side yards as they presently exist.
- E. Any new building constructed on a lot within this district or any substantially reconstructed or altered building, must maintain front yard and rear yard setbacks consistent with the predominant setbacks of neighboring buildings within the same block.

§ 911. Off-Street Parking/Access and Loading/Unloading. [Ord. 766, 5/16/1996, § 9.11; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

The following off-street parking regulations shall apply.

- A. New Residential Structures.
 - (1) Any permitted construction of a new residential structure shall provide parking on the same lot as the proposed building.
 - (2) At least two off-street (nonpublic/nonmetered) parking spaces shall be provided for each newly constructed residential unit.
- B. Conversion of Existing Structures for Residential Units.

- (1) At least two off-street (nonpublic/nonmetered) parking spaces shall be provided for each residential unit created and existing residential units within the structure.
 - (2) The required parking spaces shall be provided on the same lot as the principal building or within 400 feet of the lot. When off-lot parking is used to meet these requirements, the owners shall provide evidence that such parking is reserved for the applicant, and a written lease or agreement shall be submitted with a term that is satisfactory to the Zoning Officer.
- C. Loading and Unloading. No such facilities shall be designed, constructed or used in any manner so as to constitute a nuisance, public safety hazard or an impediment to traffic.
- D. Authority to Reduce Parking Requirements. The Borough Council may reduce the off-street parking requirements for residential structures as a conditional use following review and recommendation by the Planning Commission. Determination of parking requirements shall be based on the following criteria:
- (1) Average number of occupants on the lot during most of the day.
 - (2) Expected number of occupants for peak hours.
 - (3) Number of occupants using motor vehicles to be parked at the site.
 - (4) Availability of existing public spaces to meet peak day and peak hour needs.
- E. Parking Location. Parking for all buildings that front a public street shall be to the rear or side of buildings, not in front of buildings, except for on-street curbside parking. Curb cuts shall be limited as determined by the Borough Council upon recommendation of the Borough Engineer.

§ 912. (Reserved)⁵

⁵Editor's Note: Former § 912, Signs, as amended and renumbered, was repealed by Ord. 882, 2/15/2007. See now Part 17 of this chapter.

PART 10

G-C GENERAL COMMERCIAL DISTRICT⁶**§ 1001. Intended Purpose. [Ord. 766, 5/16/1996, § 10.1; as amended by Ord. 975, 6/16/2016]**

The General Commercial District seeks to accommodate the needs for distribution of goods and services to the consumer in a retail and/or professional office setting in accordance with the Regional Strategic Plan. This district generally coincides with public utility service areas and is within the Designated Growth Area. The district seeks to properly manage business development to provide for efficient and safe transportation and compatibility with neighboring uses. The uses provided in this district are meant to serve local residents as well as those motorists passing through the area.

§ 1002. Permitted Uses. [Ord. 766, 5/16/1996, § 10.2; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

1. Dwelling units when accessory and incidental to a permitted nonresidential use.
2. Financial institutions; business and professional offices.
3. Eating establishments.
4. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
5. Funeral homes.
6. Retail sales in which both a workshop and repair shop and retail showroom are required.
7. Motels, hotels, and bed-and-breakfast establishments.
8. Studios or galleries for the display and/or instruction of dance, art, music or similar cultural pursuits.
9. Movie theaters and performing arts theaters.
10. Indoor recreational facilities, excluding video arcades.
11. Bakery, candy, pastry, confectionery or ice cream retail sales, with minor related processing permitted.
12. Bus passenger stations.
13. Automobile service stations.

⁶Editor's Note: The title of Part 10 was amended pursuant to Ord. 975, 6/16/2016.

14. Automobile garages for the storage and repair of motor vehicles, but not automobile body shops.
15. Vehicular sales establishments.
16. Car washes.
17. Florists, greenhouses, roadside produce markets, or nurseries, provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within a building.
18. Fitness centers.
19. Medical centers, dental offices or chiropractic clinics.
20. Municipal buildings and facilities.
21. Public utility and communication uses where operation requirements necessitate locating within the district.
22. Laundromats.
23. Retail pet shops.
24. Outdoor eating activity as an accessory use to a permitted principal use.
25. School of creative and performing arts as defined in Part 2, § 201.

§ 1003. Special Exceptions. [Ord. 766, 5/16/1996, § 10.3; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the special exception regulations, Part 14:

- A. Amusement arcades.
- B. Adult bookstores, adult movie theaters or adult performing arts theaters.
- C. Billiards and pool rooms.
- D. Tattoo parlors.
- E. Adult massage establishments.
- F. Kennel(s).

§ 1004. Conditional Uses. [Ord. 766, 5/16/1996, § 10.4; as amended by Ord. 856, 3/17/2005, § 2; and by Ord. 882, 2/15/2007]

The following conditional use may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Shopping centers.
- B. Clubs, lodges and fraternal organizations.
- C. Permitted uses that involve construction or the modification of structures, buildings, and/or uses that result in structures, buildings, or uses in excess of 10,000 square feet (gross floor area or gross square footage). Conditional use review is pursuant to the standards and criteria set forth in § 1516.

§ 1005. Accessory Uses. [Ord. 766, 5/16/1996, § 10.5]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted. Each accessory use shall comply with the provisions contained in this Part and the supplemental regulations.

§ 1006. Use Restrictions. [Ord. 766, 5/16/1996, § 10.7]

The above specified uses shall be permitted only under the following conditions.

- A. Such stores, shops and businesses shall be conducted within an enclosed building, except as otherwise permitted in accordance with the supplemental regulations.
- B. Such uses, operations or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with the supplemental regulations.
- C. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to the retail store, and when all such products are sold on the premises.

§ 1007. Outside Storage and Display. [Ord. 766, 5/16/1996, § 10.7]

Outside storage and display when accessory to a permitted use shall be allowed provided that the following provisions are met:

- A. Outside storage or display shall not occupy any part of a street (or alley) right-of-way and no other area intended or designed for vehicular or pedestrian use, required parking areas or required front yard.
- B. Outside storage or display area shall occupy an area of less than 1/2 of the existing building coverage. In no case shall more than 25% of the lot area be used for outside storage or display.

- C. Outside storage areas shall be shielded from view from all public streets in an appropriate manner.

§ 1008. Height Regulations. [Ord. 766, 5/16/1996, § 10.8]

The height of a building shall not exceed 35 feet.

§ 1009. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 10.9]

Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district:

- A. Lot area: 10,000 square feet.
- B. Minimum lot width: 100 feet.
- C. Coverage regulations: Lot coverage shall not exceed 75%. The remainder of the lot must be maintained in a vegetative cover or natural state.

§ 1010. Setback Regulations. [Ord. 766, 5/16/1996, § 10.10]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 30 feet.
- B. Side yards: 10 feet. No side yard shall be required where structures abut one another, provided that a written agreement is entered into by such property owners and submitted to the Zoning Officer. However, in no case shall common party walls be permitted between properties of separate ownership.
- C. Rear yard: 25 feet.
- D. Buffer yards/screen plantings shall be provided in accordance with the supplemental regulations.

§ 1011. Off-street Parking/Access and Loading/Unloading. [Ord. 766, 5/16/1996, § 10.11]

Off-street parking/access and loading/unloading shall be provided in accordance with Part 16.

PART 11

LI LIGHT INDUSTRIAL DISTRICT⁷**§ 1101. Intended Purpose. [Ord. 766, 5/16/1996, § 11.1; as amended by Ord. 975, 6/16/2016]**

This district seeks to provide for a wide range of light industrial and office development, while avoiding heavy industrial uses that are most likely to cause nuisances and hazards; to also provide for commercial uses compatible with neighboring residential areas; to encourage a coordinated interior road system; and to control noise and annoyances.

§ 1102. Permitted Uses. [Ord. 766, 5/16/1996, § 11.2]

1. Business and professional offices.
2. Medical/dental centers.
3. Financial offices.
4. Research, engineering or testing laboratories.
5. Electrical or electronic equipment component and/or product assembly.
6. Scientific equipment component or product assembly.
7. Communication equipment component or product assembly.
8. Printing and publishing facilities.
9. Photographic processing facilities.
10. Municipal buildings and facilities.
11. Public utility and communication uses where operation requirements necessitate locating within the district.

§ 1103. Permitted Secondary Uses. [Ord. 766, 5/16/1996, § 11.3; as amended by Ord. 882, 2/15/2007]

The following secondary uses may be permitted when intended to complement any of the above-permitted uses and are designated to be primarily used by employees, visitors and/or clients of employees. Secondary uses listed below shall not occupy more than 20% of the ground-floor area. Signs for such establishments shall be in accordance with Part 17.

- A. Barber/beauty salons.
- B. Pharmacies.

⁷Editor's Note: The title of Part 11 was amended by Ord. 975, 6/16/2016.

- C. Drafting services or reproduction and copy services.
- D. Medical or dental laboratories.
- E. Eating and drinking establishments (excluding drive-through and walk-up establishments).
- F. Secretarial/telephone answering services.
- G. Tobacco, candy, newspaper and magazine counters.
- H. Day-care centers.

§ 1104. Special Exceptions. [Ord. 766, 5/16/1996, § 11.4; as amended by Ord. 882, 2/15/2007]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the special exception regulations, Part 14:

- A. Health, fitness (exercise) centers, excluding amusement arcades.

§ 1105. Conditional Uses. [Ord. 882, 2/15/2007]

The following conditional uses may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Permitted uses that involve construction or the modification of structures, buildings, and/or uses that result in structures, buildings, or uses in excess of 10,000 square feet (gross floor area or gross square footage). Conditional use review is pursuant to the standards and criteria set forth in § 1516.

§ 1106. Accessory Uses. [Ord. 766, 5/16/1996, § 11.5; as amended by Ord. 882, 2/15/2007]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted. Each accessory use shall comply with the provisions contained in this Part and in the supplemental regulations.

§ 1107. Use Restrictions. [Ord. 766, 5/16/1996, § 11.6; as amended by Ord. 882, 2/15/2007]

The above specified uses shall be permitted only under the following conditions:

- A. Such permitted uses shall be conducted within an enclosed building.

- B. Such uses, operations or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with § 902 herein.
- C. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental or essential to a permitted use, and when all such work is performed on the premises.

§ 1108. Height Regulations. [Ord. 766, 5/16/1996, § 11.7; as amended by Ord. 882, 2/15/2007]

The height of a building shall not exceed 35 feet in height.

§ 1109. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 11.8; as amended by Ord. 882, 2/15/2007]

Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district:

- A. Lot area: one acre.
- B. Minimum lot width: 250 feet.
- C. Coverage regulations: Lot coverage shall not exceed 60%. The remainder of the lot must be maintained in a vegetative cover or natural state.

§ 1110. Setback Regulations. [Ord. 766, 5/16/1996, § 11.9; as amended by Ord. 882, 2/15/2007]

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

- A. Front yard: 40 feet.
- B. Side yards: 25 feet.
- C. Rear yard: 25 feet.
- D. Buffer yards/screen plantings shall be provided in accordance with the supplemental regulations.

§ 1111. Off-Street Parking/Access And Loading/Unloading. [Ord. 766, 5/16/1996, § 11.10; as amended by Ord. 882, 2/15/2007]

Off-street parking/access and loading/unloading shall be provided in accordance with Part 16 herein.

PART 12

G-I GENERAL INDUSTRIAL DISTRICT⁸**§ 1201. Intended Purpose. [Ord. 766, 5/16/1996, § 12.1; as amended by Ord. 975, 6/16/2016]**

The purpose of the General Industrial District is to provide for the orderly development of a wide range of industrial uses; to encourage a coordinated interior road system; to control nuisances and hazards; and to encourage appropriate industrial growth in accordance with the Regional Strategic Plan.

§ 1202. Permitted Uses. [Ord. 766, 5/16/1996, § 12.2; as amended by Ord. 882, 2/15/2007]

- A. Any manufacturing, wholesaling, warehousing or distributing use which meets the performance standards as set forth in the supplemental regulations.
- B. Lumber and coal yards, building material storage yards, contractor equipment and storage yards.
- C. Laundries, cleaning, dyeing, carpet or rug cleaning operations.
- D. Welding or machine shops.
- E. Self-service storage facilities as set forth in the supplemental regulations, § 1316.
- F. Municipal buildings and facilities.
- G. Public utility and communication uses where operation requirements necessitate locating within the district.
- H. Retail sales established for the sale of the product(s) of the permitted industrial use.

§ 1203. Special Exceptions. [Ord. 766, 5/16/1996, § 12.3; as amended by Ord. 882, 2/15/2007]

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in supplemental regulations, Part 13, and the special exception regulations, Part 14:

- A. Automobile body shops, painting, tire retreading or recapping and welding shops.
- B. Day-care centers.

⁸Editor's Note: The title of Part 12 was amended by Ord. 975, 6/16/2016.

§ 1204. Conditional Uses. [Ord. 766, 5/16/1996; as amended by Ord. 856, 3/17/2005, § 3; as amended by Ord. 882, 2/15/2007]

The following conditional uses may be permitted by Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in the supplemental regulations, Part 13, and the conditional use regulations, Part 15:

- A. Clubs, lodges and fraternal organizations.
- B. Permitted uses that involve construction or the modification of structures, buildings, and/or uses that result in structures, buildings, or uses in excess of 10,000 square feet (gross floor area or gross square footage). Conditional use review is pursuant to the standards and criteria set forth in § 1516.

§ 1205. Accessory Uses. [Ord. 766, 5/16/1996, § 12.4; as amended by Ord. 856, 3/17/2005, § 4]

An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted. Each accessory use shall comply with the provisions contained in this Part and in the supplemental regulations.

§ 1206. Use Restrictions. [Ord. 766, 5/16/1996, § 12.5; as amended by Ord. 856, 3/17/2005, § 4]

The above specified uses shall be permitted only under the following conditions:

- A. Such stores, businesses and industries shall be conducted within an enclosed building, except as otherwise permitted in accordance with the supplemental regulations.
- B. Such uses, operations or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with the supplemental regulations.
- C. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a store, business or industry, and when all such work is performed on the premises.

§ 1207. Outside Storage And Display. [Ord. 766, 5/16/1996, § 12.6; as amended by Ord. 856, 3/17/2005, § 4]

- 1. Outside storage or display shall not occupy any part of a street (or alley) right-of-way and no other area intended or designed for vehicular or pedestrian use, required parking areas or required front yard.
- 2. Outside storage or display area shall occupy an area of less than 1/2 of the existing building coverage. In no case shall more than 25% of the lot area be used for outside storage or display.

3. Outside storage areas shall be shielded from view from all public streets in an appropriate manner.

§ 1208. Height Regulations. [Ord. 766, 5/16/1996, § 12.8; as amended by Ord. 856, 3/17/2005, § 4]

The height of a building shall not exceed 75 feet.

§ 1209. Lot Area, Lot Width And Impervious Coverage Regulations. [Ord. 766, 5/16/1996, § 12.8; as amended by Ord. 856, 3/17/2005, § 4]

Lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this district:

- A. Lot area: three acres.
- B. Minimum lot width: 100 feet.
- C. Coverage regulations: Lot coverage shall not exceed 75%. The remainder of the lot must be maintained in vegetative cover or natural state.

§ 1210. Setback Regulations. [Ord. 766, 5/16/1996, § 12.9; as amended by Ord. 856, 3/17/2005, § 4]

The following setback regulations apply to all users permitted within this district unless otherwise specified herein:

- A. Front yard: 30 feet.
- B. Side yards: 20 feet.
- C. When a General Industrial District permitted use abuts another zoning district, the side yard on the abutting side shall be 40 feet. **[Amended by Ord. 975, 6/16/2016]**
- D. Rear yard: 50 feet.
- E. Buffer yards/screen plantings shall be provided in accordance with the supplemental regulations.

§ 1211. Off-Street Parking/Access and Loading/Unloading. [Ord. 766, 5/16/1996, § 12.10; as amended by Ord. 856, 3/17/2005, § 4]

Off-street parking/access and loading/unloading shall be provided in accordance with Part 16 herein.

PART 12A

MU MIXED-USE DISTRICT

§ 12A01. Intended Purpose. [Ord. 876, 8/17/2006; as amended by Ord. 975, 6/16/2016]

The purpose of the Mixed-Use District is to permit coordinated development that includes a mixture of retail, cultural, service, office, residential and institutional uses in a single structure or complex of related structures; to promote and sustain development of a neighborhood-type character; to preserve and reuse existing buildings that represent the character of the surrounding environment; to encourage conservation of land resources, utilizing pedestrian facilities that minimize automobile travel and the mixed-use projects by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design and location warrants.

§ 12A02. Permitted Uses. [Ord. 876, 8/17/2006; as amended by Ord. 946, 3/21/2013]

1. The following are permitted uses in the Mixed-Use zoning district.
2. To promote and protect the intended nature of the Mixed-Use zoning district, all permitted uses are limited to 10,000 square feet of gross floor area per use. Permitted uses utilizing greater than 10,000 square feet of gross floor area are by conditional use only. Multiple uses located within one structure or complex of structures are limited to 10,000 square feet of gross floor area per use, unless a conditional use is granted.
 - A. Restaurants, tea rooms, cafes and other eating places that serve food and beverages.
 - (1) Excludes drive-through services.
 - (2) Nightclubs, taverns and other entertainment venues by conditional use.
 - (3) Outdoor eating permitted by conditional use.
 - B. Financial institutions.
 - (1) Drive-through services by special exception.
 - C. Professional offices/professional occupations.
 - D. Personal service establishments.
 - E. Retail sales.
 - (1) Principle activity is the sale of merchandise in an enclosed building.

- (2) Single-purpose/specialty retailers and general retail sales.
- (3) Excludes adult bookstores and adult entertainment.
- F. Bakery, candy, pastry, confectionery or ice cream retail sales.
- G. Retail sales, food.
- H. Medical/health services.
- I. Art studios/galleries and museums for the display and/or instruction of dance, music, martial arts, or similar cultural pursuits.
- J. Municipal buildings and facilities, including parks, playgrounds, trails, paths, and other public recreational areas and civic space.
- K. No-impact home-based businesses.
- L. Dry-cleaning service.
 - (1) Excludes laundromats.
- M. Bed-and-breakfasts. (See § 1306.)
 - (1) Establishments with more than three rooms to rent by conditional use.
- N. Hotels/motels.
- O. Residential uses existing at the time of ordinance adoption.
- P. Retail pet shops.
- Q. Outdoor eating activity as an accessory use to a permitted principal use.
- R. School of creative and performing arts as defined in Part 2, § 201.
- S. Farm market. **[Added by Ord. 975, 6/16/2016]**

§ 12A03. Special Exceptions. [Ord. 876, 8/17/2006; as amended by Ord. 946, 3/21/2013]

The following uses are permitted in the Mixed-Use District by special exception as follows:

- A. Home occupations. (See § 1410.)
- B. Day-care residences for not more than eight individuals, excluding children who permanently reside at the residence. (See § 1407.)
- C. Parking as a principal use. (See § 1411.)

- D. Churches or similar places of worship, parish houses, and convents. (See § 1406.)
- E. Drive-in banking services. (See § 1408.)
- F. Demolition of buildings, excluding accessory structures. (See § 1415.)

§ 12A04. Conditional Uses. [Ord. 876, 8/17/2006]

The following uses are permitted in the Mixed-Use District by conditional use as follows:

- A. Permitted uses utilizing greater than 10,000 square feet of gross floor area.
- B. Outdoor eating activity. (See § 1328.)
- C. Residential-care homes/facilities.
- D. Day-care centers. (See § 1507.)
- E. Movie theaters/performing arts theaters.
- F. Clubs, lodges, and fraternal organizations. (See § 1506.)
- G. Nightclubs, taverns, and other entertainment venues.
- H. New construction residential structures.
- I. Funeral homes. (See § 1508.)
- J. Public and private schools. (See § 1513.)

§ 12A05. Conversion of Existing Structure for Combined Residential and Nonresidential Use. [Ord. 876, 8/17/2006; as amended by Ord. 946, 3/21/2013]

- 1. When converting an existing residential structure into a nonresidential permitted use occupying some of the existing dwelling, with the remainder of the property used for residential purposes, the following apply:
 - A. The residential use shall not be permitted to occupy any of the ground-floor space of the structure.
 - B. Each residential unit shall meet the requirements of the Borough's Existing Structures and Property Maintenance Code,⁹ and the occupancy shall comply with the definition of "family" in the Zoning Ordinance.¹⁰

⁹Editor's Note: See Ch. 5, Part 1.

¹⁰Editor's Note: See Ch. 27, Zoning.

- C. No conversion shall result in a dwelling unit that has less than 300 square feet of habitable floor area.
 - D. The principal structure shall be on a minimum of 5,000 square feet of lot space.
 - E. The proposed uses shall comply with the parking requirements of Part 16.
 - F. Sewer/water tapping fees apply for each new residential and nonresidential unit and/or additional use added to the building.
 - G. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
2. Any existing commercial structure within the Mixed-Use District, as a principal structure on a lot, may be combined with residential dwelling units. The individual dwelling unit shall not be less than 300 square feet of habitable floor space. The dwelling units shall not be permitted to occupy space on the ground-floor space and sub-ground-floor space of the structure. The principal commercial structure shall be on a minimum of 5,000 square feet of lot space. The proposed uses shall comply with the parking requirements of Part 16. Furthermore, residential units shall not exceed 25% of the structure's use.

§ 12A06. Construction of Residential Units. [Ord. 876, 8/17/2006; as amended by Ord. 946, 3/21/2013]

- 1. New construction of residential buildings is permitted by conditional use for the following:
 - A. Single-family detached dwellings.
 - B. Single-family semidetached dwellings.
 - C. Single-family attached dwellings.
 - D. Two-family detached dwellings.
 - E. Apartment houses/apartment dwellings.
- 2. Conversion apartments are excluded and not permitted except as outlined in § 12A05.
- 3. All construction of residential units must comply with the lot area, lot width, lot depth, and coverage regulations as outlined in Chapter 27, Part 8, § 807, Subsections 1 and 2, as they apply to the uses above.

§ 12A07. Use of Existing Nonresidential Buildings. [Ord. 876, 8/17/2006]

Any nonresidential building, as a principal structure on a lot, may be used for any of the permitted nonresidential uses of this zoning district in accordance with the guidelines of this chapter.

§ 12A08. Construction of Nonresidential Units. [Ord. 876, 8/17/2006; as amended by Ord. 946, 3/21/2013]

Construction of a nonresidential unit shall comply with the guidelines of this Chapter and receive appropriate review and approval according to the provisions of the Borough's Zoning Ordinance and Subdivision and Land Development Ordinance.¹¹

§ 12A09. Accessory Uses. [Ord. 876, 8/17/2006]

1. An accessory structure or use on the same lot which is customarily incidental to a permitted principal use is permitted and shall comply with the provisions contained in the supplemental regulations of this chapter.
2. Outside storage and display shall comply with the following:
 - A. Outside storage or display shall not occupy any part of a street or alley right-of-way and no other area intended or designed for vehicular or pedestrian use, required parking areas or required front yard.
 - B. Any outside storage and display is limited to items for sale by retail establishments, shall be displayed behind the building front setback line and shall not block or impede in any way a curb, sidewalk, or thoroughfare commonly used by the public, whether private or public.
 - C. Outside storage or display areas shall occupy an area of less than 1/2 of the existing building coverage. In no case shall more than 25% of the lot area be used for outside storage or display.
 - D. Outside storage areas shall be fully shielded from view from all public streets and other properties with fencing or adequate plantings.

§ 12A10. Performance Standards. [Ord. 876, 8/17/2006]

These performance standards apply to all uses in the Mixed-Use Zoning District:

- A. Such uses, operations, or products shall not be obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with § 1313.
- B. Residential units must meet the requirements of the Borough's Existing Structures and Property Maintenance Code. (Chapter 5, Part 1).

¹¹Editor's Note: See Ch. 22, Subdivision and Land Development.

- C. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to a retail store and when all products are sold on the premises.
- D. Stores, shops and businesses shall be conducted within an enclosed building, unless permitted otherwise as outlined by the regulations in this chapter.
- E. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.
- F. All uses shall conform to the performance standards outlined in the Borough's Zoning Ordinance, Part 13, § 1313.

§ 12A11. Design Standards. [Ord. 876, 8/17/2006]

- 1. All buildings will maintain a pedestrian-oriented street frontage in design. Solid walls and an unbroken series of garage doors are not permitted on any street frontage.
- 2. Buildings shall be oriented to the street. In a development of multiple buildings that takes shape as a complex or campus, the buildings and landscaping shall be oriented in a manner to preserve the character of the public streetscape and compliment the intentions of the Mixed-Use Zoning District ordinance. Refer to § 12A14 for front-yard setback regulations.
- 3. Pedestrian amenities, such as sidewalks to front and side entrances of buildings, shall be provided for all nonresidential uses.
- 4. Landscaping and buffer yards are required.
 - A. If the Borough has an adopted official plan of improvements for within the right-of-way and public space, to include such amenities as sidewalks, street trees, streetlighting, etc., the property owner does not have the right to alter these without specific prior approval from the Borough.
 - B. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.
 - C. Parking areas shall be screened from adjacent residential uses, streets and walkways using trees and shrubs.
 - D. The interior parking area shall be landscaped with sufficient shade trees to provide 50% shade within 15 years of installation.

- E. Completion of landscaping requirements may be postponed, due to seasonal weather conditions, for a period not to exceed six months from the time of project completion.
- F. All landscaping and screening shall be maintained by the property owner.

§ 12A12. Minimum Height Requirements. [Ord. 876, 8/17/2006; as amended by Ord. 946, 3/21/2013]

The minimum height requirement of a building shall be 35 feet.

§ 12A13. Lot Area, Lot Width and Impervious Coverage Regulations. [Ord. 876, 8/17/2006]

- 1. Residential uses.
 - A. Lot area, width, and depth regulations as set forth in Chapter 27, Part 8, § 807, Subsections 1 and 2, apply for residential uses in this district.
- 2. Nonresidential uses.
 - A. No minimum lot area or lot width requirement shall be required for any nonresidential uses permitted within this district, except to maintain adequate side-yard setbacks when adjacent to a residential use.

§ 12A14. Setback Regulations. [Ord. 876, 8/17/2006]

- 1. The following setback regulations apply to all uses permitted within this district, unless otherwise specified herein:
 - A. Front yard: none.
 - (1) Any new building constructed on a lot within this district or any substantially reconstructed or altered building shall maintain a front-yard setback consistent with the predominant setbacks of neighboring buildings within the same block.
 - (2) A new building constructed or an altered building on a lot with partial street frontage shall have a front-yard setback of 20 feet.
 - B. Side yard.
 - (1) A nonresidential use, when adjacent to a residential use(s) on one or both sides, must maintain a side-yard setback of at least

10 feet on both sides. Screening requirements apply for nonresidential uses adjacent to a residential use.

- (2) When a nonresidential use is adjacent to nonresidential uses on both sides, no side-yard setbacks apply.
- (3) A residential use must maintain a side-yard setback of eight feet on both sides.

C. Rear yard: 25 feet.

§ 12A15. Impervious Coverage. [Ord. 876, 8/17/2006]

Lot coverage for all uses in the district shall not exceed 65%. The remainder of the lot must be maintained in a vegetative cover or natural state.

§ 12A16. Off-Street Parking Requirements. [Ord. 876, 8/17/2006]

1. Parking and access shall be provided in accordance with Part 16, as applicable to the permitted uses in this district.
2. Parking for conditional uses with a combined floor area more than 10,000 square feet shall be determined by a study to be prepared by the developer and recommended by the Zoning Officer.
3. Shared parking for uses within one development or complex may be approved, provided that adequate parking is provided for all uses within the development or complex based on the following information:
 - A. Type of use and estimated number of total spaces needed during peak conditions.
 - B. Estimated parking duration per vehicle trip (turnover rate).
 - C. Estimated number of employees; adequate spaces provided for employees working on any given shift.
 - D. Based on estimated number of trips generated and average parking duration per trip, plus the number of employees, calculate number of spaces required and which spaces, if any, could be adequately shared between uses.
4. Parking for all buildings that front a public street shall be to the rear or side of buildings, not in front of buildings, except for on-street curbside parking. Curb cuts shall be limited as determined by the Borough Council upon recommendation of the Zoning Officer.
5. Change of occupancy or use of a building or unit necessitates compliance with parking regulations and, if necessary, a review by the Zoning Officer and approval by Borough Council.

6. Parking areas shall be screened from adjacent residential uses, streets and walkways using trees and shrubs.
7. The interior parking area shall be landscaped with sufficient shade trees to provide 50% shade within 15 years of installation.

§ 12A17. (Reserved)¹²

¹²Editor's Note: Former § 12A17, Demolition of a Building in the Mixed-Use Zoning District (Ord. 876, 8/17/2006), was repealed by Ord. 946, 3/21/2013.

PART 13

SUPPLEMENTARY REGULATIONS

§ 1301. Use Regulations. [Ord. 766, 5/16/1996, § 13.0]

The following supplementary regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter.

§ 1302. Accessory Uses And Structures. [Ord. 766, 5/16/1996, § 13.1; as amended by Ord. 829, 11/15/2001; by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

1. General. Accessory uses or structures that are clearly customary and incidental to a principal use are permitted provided the requirements of this Section are met.
2. Setback Requirements. Any accessory building may be erected within one of the side yards or within the rear yard provided:
 - (1) In nonresidential zoning districts, except the CBD, any accessory building or structure shall not be less than five feet from the rear of the main building nor less than 15 feet from any lot line and shall not be located in the front yard.
 - (2) In residential zoning districts, any building or structure accessory to a residential use shall be located within the rear yard of the principal building and shall not be located less than three feet from any rear or side lot line. Where such side or rear yard is along an alley, the accessory building or structure shall not be located less than five feet from the alley and/or within the fourteen-foot right-of-way of the alley. Private garages with entrances fronting an alley shall not be located less than 10 feet from any lot line and/or within the fourteen-foot right-of-way of the alley.
 - (3) In the Central Business District, setbacks for accessory buildings or structures and uses shall be the same as the requirements for principal buildings and uses.
 - (4) In the Mixed-Use District, setbacks for accessory buildings or structures shall be the same as the requirements for the types of principal buildings and uses.
 - (5) No accessory structure, building or use shall be permitted in a required front yard in any district, unless specifically permitted in this chapter. On corner lots, an accessory building is not permitted within the front yard setback established for each street on which the lot abuts.

- (6) The maximum height of any accessory structure within a residential zone is 15 feet. The height of an accessory structure within a nonresidential zone is 20 feet.
- (7) All accessory structures must meet the requirements of the special yard, lot and screening requirements of this Part.
- (8) Any pond or pool with a water depth of less than 24 inches is considered an accessory structure and must be located in the side or rear yard only. A pond or pool with a water depth of 24 inches or more shall follow the regulations established for swimming pools contained in this Part. **[Amended by Ord. 975, 6/16/2016]**

3. Accessory Uses Permitted by Right in All Districts.

- A. The following accessory uses are permitted outside, provided that the use is placed against the structure, it shall be displayed behind the building front setback line and shall not block or impede in any way a curb, sidewalk, or thoroughfare commonly used by the public, whether private or public. These are permitted in all districts except R-1 Low-Density, R-2 Medium-Density and R-3 High-Density Residential Districts. **[Amended by Ord. 975, 6/16/2016]**

- (1) Pay phones.
 - (2) Beverage and snack machines.
 - (3) Newspaper sales machines.
- B. Air conditioners.
- C. Fences, walls or hedges, subject to the permit regulations as required under § 2003, Subsection 1, and the regulations as set forth in § 1302, Subsection 5.
- D. Signs, as permitted by Part 17.
- E. Off-street parking.
- F. Home gardening.
- G. Satellite dish antennas, radio and television antennas and amateur radio antennas in accordance with the regulations contained in § 1303 of this Part.
- H. Flagpoles.
- I. Recreational facilities that are clearly limited to the exclusive use of the residents of a development and their occasional invited guests.
- J. Solar energy systems, subject to the provisions prescribed in § 1325.

- K. Commercial or industrial outdoor storage and display as a principal or accessory use, provided that:
 - (1) Location. Shall not occupy any part of the existing or future right-of-way, area intended or designed for pedestrian use, required parking area, or part of the required paved area of parking setback.
 - (2) No outside industrial storage shall be located on land with an average slope in excess of 15%.
 - L. No-impact home occupations shall be permitted as a matter of right in all zoning districts. Any home occupation that does not meet all of the criteria as outlined in the definition of a "no-impact home occupation" may be permitted, subject to the provisions of § 1410. The definition of "no-impact home occupation" is set forth in § 1410.
 - M. Regulations governing erection of energy generating wind power devices, subject to the provisions prescribed in § 1326.
 - N. Geothermal systems, subject to the provisions prescribed in § 1327.
 - O. Outdoor eating in accordance with Part 13, § 1328.
 - P. Retail pet shops in accordance with Part 13, § 1329.
4. Essential Services.
- A. Essential services are permitted by right as principal or accessory uses in all districts.
 - B. Only uses specifically listed in this subsection shall be considered to be essential services.
 - C. The following are essential services not required to meet the accessory or principal setback, lot area or other lot requirements of this chapter, unless future building or subdivision could be possible on the lot:
 - (1) Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
 - (2) Electrical transformers as an accessory use to dwellings.
 - (3) Electrical, telephone and street light poles.
 - (4) Electrical transmission and distribution lines and meters.
 - (5) Wells, standpipes, water transmission lines, cisterns and meters.
 - (6) Cable television and telephone lines.

- (7) Stormwater pipes, outfalls, detention basins, swales and catchbasins.
- (8) Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, but without off-premises signs.
- (9) U.S. mailboxes.
- (10) Boxes for receiving individual newspapers.
- (11) Fire hydrants and emergency call boxes.
- (12) Engineering retaining walls that are clearly necessary to hold back slopes.
- (13) Household air conditioners.
- (14) Sidewalks.
- (15) Propane storage tanks, subject to the requirements of § 1322.
- (16) Handicap ramps or wheelchair lifts are primarily intended to be used by people with mobility impairments for access to a structure.
 - (a) The construction of a handicap ramp or wheelchair lift that falls within the building setback area maybe constructed for commercial purposes when the following are met:
 - [1] Shall require a zoning permit and construction permit.
 - [2] The design, construction and location of the handicap ramp or wheelchair lift shall be appropriate to the context of the existing structure and neighborhood.
 - [3] Must be constructed outside of the public right-of-way.
 - [4] Shall meet the requirements of the Uniform Construction Code.
 - (b) Handicap ramps or wheelchair lifts constructed on residential lots shall meet the accessory structure setback for side and lot lines and:

- [1] Not be located in a place that negatively impacts adjacent property owners, commercial and/or residential tenants.
- [2] Shall require a zoning permit.
- [3] Be constructed of material that allows for the structure to be removable and easily dismantled.
- [4] Permission to construct a handicap ramp and/or wheelchair lift shall not be transferrable to new ownership or occupancy and must be dismantled within 60 days unless a new permit is issued.
- [5] Must be constructed outside of the public right-of-way.
- [6] Shall meet the requirements of the Uniform Construction Code.

(17) Outside entrance to a basement of a dwelling.

D. The following are essential services that are required, except as may be exempted by the Municipalities Planning Code, to meet all the requirements of this chapter, as principal or accessory uses, as applicable:

- (1) Emergency and other electrical generators and compressors.
- (2) Solid waste bulk dumpsters and bulk compactors.
- (3) Telephone switching stations.
- (4) Construction. Temporary storage of vehicles and materials and/or construction office trailers used for current construction on the same or an adjacent lot or within the same subdivision.
- (5) Industrial or commercial air conditioners.
- (6) Electrical substations and bulk transformers that are not an accessory use to dwellings.

5. Fences and Walls.

A. Fences for Residential Purposes.

- (1) Any fence located in the front yard in a residential district shall be decorative, such as a picket, split rail or wrought iron fence, rather than one which will serve to screen off a portion of the front of the lot, such as a stockade fence. Such decorative fence shall have a maximum height of three feet, be constructed

entirely of wood or wrought iron, PVC or plastic fencing, or aluminum, and have at least half the fence open. Chain-link and closed wooden (privacy) fences are expressly prohibited in the front yard.

- (2) Fences are not required to meet accessory structure setbacks and may be located on the side or rear lot line. Fences that abut a public alley shall be located five feet from the alley right-of-way and shall not impede sight distance at the intersection(s).
- (3) A fence located anywhere except the front yard of a use in a residential district shall have a maximum height of six feet.
- (4) A fence of up to 10 feet shall be allowed in a rear yard in any zoning district for the sole purpose of enclosing a court for tennis or a similar racquet sport.

B. Fences for Commercial Purposes.

- (1) In nonresidential districts, fences shall be permitted a maximum height of 12 feet on the rear and side yard(s) and three feet on the front yard.
- (2) Fences that are constructed in nonresidential districts that abut a public alley shall be located five feet from the alley right-of-way and shall not impede sight distance at the intersection(s).

C. Engineering Retaining Walls.

- (1) Any engineering retaining wall shall be architecturally compatible with the structure and the landscape.
- (2) Engineering retaining walls shall comply with the Uniform Construction Code.

D. Architectural and Decorative Walls.

- (1) The design, construction and location of the architectural and decorative wall shall be appropriate to the context of the existing structures and neighborhood.
- (2) Architectural and decorative walls are permitted by right in all districts.
- (3) Architectural and decorative walls in any residential district constructed on the side and rear lot lines must set back two feet for every one foot in height of the proposed wall.

- (4) In all other districts, there are no accessory structure setback requirements. The height of an architectural and decorative wall shall not exceed 10 feet.
- (5) Architectural and decorative walls shall comply with the standards prescribed in the Uniform Construction Code.

E. Screening Walls. All yards located within the General Industrial, General Commercial, and Light Industrial Districts that will be used for approved storage of any material needed for the operation or commercial enterprise shall construct an enclosed solid wall, uniformly painted board fence, chain-link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any district. No storage shall occur within the front yard in any district. **[Amended by Ord. 975, 6/16/2016]**

6. Special Standards for Certain Accessory Uses.

A. Garage Sales.

- (1) Shall include only the occasional sale of household goods and furniture and items of a similar character. A garage sale shall not include wholesale sales.
- (2) No dwelling unit shall hold garage sales or auctions during more than four days total in any calendar year.
- (3) Shall be clearly accessory to a dwelling unit.
- (4) Shall be defined to include yard sale, porch sale, auction or sheriffs sale.
- (5) Sales shall be held only between the hours of 7:00 a.m. and 8:00 p.m.
- (6) Signs erected by the operation and placed in various locations on and off the lot must be removed by the operation within 12 hours of the sale. Signs erected on telephone poles may only be constructed of paper and shall be placed with string or tape only. These signs must be securely attached to the pole and erected no more than five days prior to the sale.

B. Keeping of Pets.

- (1) Keeping of pets shall be permitted by right in all districts.
- (2) No use shall involve the keeping of animals in such a manner that it creates a serious nuisance, including but not limited to noise, odor, danger or threat to the public.

- (3) Animals shall not be kept or used for fighting purposes.
- (4) In all districts, no more than four animals shall be kept at one time. No more than three dogs shall be housed in a residential unit at any time and shall not be exceeded even for temporary purposes. No numerical restrictions shall apply to cats and dogs less than six months old of age and fish in an aquarium.
- (5) It shall be unlawful for any person to keep, breed or raise any dangerous animals, any animal creating, threatening or risking a hazardous, perilous or unsafe condition and/or any mammals, reptiles, amphibians, fish, insects or birds that will negatively impact the ecological system(s). This shall include but is not limited to poisonous or venomous creatures and/or insects, bobcats, large game cats, wolves, alligators, primates, crocodiles or any other wild or exotic animals which present a danger to life and limb. Animals that are prohibited as pets are defined in § 201.
- (6) Contracted animal foster care program(s) shall be relieved of numerical restrictions on the keeping of pets for a period not to exceed 48 hours for the purposes of providing temporary housing assistance to abandoned, surrendered and/or lost pets. Only facilities, services and/or programs that have lawfully entered into a contractual agreement with the Borough shall be allowed relief of numerical restrictions of animals.

§ 1303. Antennas, Radio and Television Devices. [Ord. 766, 5/16/1996, § 13.2; as amended by Ord. 798, 6/17/1999, §§ 3,4; by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

- 1. Satellite Dish Antennas.
 - A. Satellite dish antennas, not including commercial communications antennas and towers, shall be permitted by right as an accessory use in all districts for all uses, subject to the following restrictions.
 - B. Location and Number.
 - (1) In the Central Business District, a satellite dish antenna shall not be located on the street front of the building, whether detached or attached to the building. In all districts, a satellite dish antenna shall meet the accessory structure setback requirements listed in § 1302 of this Part. Satellite dish antennas may be attached to the front of the structure. A residential structure with more than four residential dwelling units is permitted to have up to four mounted satellite dish antennas on the front of the structure. Additional satellite dish

antennas shall be located in the side or rear yard or may be roof mounted.

- (2) A satellite dish antenna may be mounted to the rooftop of a principal or accessory structure.
- (3) A satellite dish antenna shall be constructed in such a manner so that it will not fall into or onto adjoining properties, land parcels, and/or accessory structures.

C. Size and Height.

- (1) A satellite dish antenna shall have a maximum diameter of three feet in a residential district and nine feet in a nonresidential district.
- (2) A satellite dish antenna shall have a maximum possible height of 12 feet above ground level in all districts. Satellite dish antennas that are roof mounted or attached to a building shall not exceed 10 feet above the roofline.

D. Mobile Stands. Satellite dish antenna(s) on mobile stands are prohibited except as may be initially needed to determine the best location for an antenna.

E. Wind Resistance. Any satellite dish antenna shall be properly secured so that it will be resistant to high winds and other forces.

2. Radio and Television Antennas.

- A. Radio and television antennas, not including commercial communications antennas and towers, shall be permitted by right as an accessory use in all districts for all uses, subject to the following restrictions.
- B. The antenna and associated structures shall be securely anchored in a fixed position, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
- C. The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five feet to any property line.
- D. No radio and television antenna shall exceed 10 feet above the roofline of the structure. No radio and television antenna that is placed inside or attached to an existing or proposed projection shall exceed the height of that projection.

- E. Proof that the antenna will not disrupt or interfere with normal transmission or communication systems in the area shall be submitted as part of the application. If interference or disruption is experienced after the communications structure is operational, the applicant shall be granted 30 days to correct the problem, or the permit will be revoked.
 - F. Amateur radio antennas shall not exceed 65 feet in height from the ground level. Amateur radio antennas shall comply with the standards and provisions within this Section and applicable State and Federal rules, regulations and statutes. No more than two support structures can be permitted on a lot, the applicant must meet the requirements of the Uniform Construction Code and there must be an anti-climbing device and/or fence. The facilities shall be removed when the ownership of the residential lot changes or when the facilities are no longer being used. Amateur radio antennas shall be subject to the accessory structure setback requirements listed in § 1302 of this Part.
3. Commercial Communication Antenna and Towers. Commercial communication antennas and towers shall be permitted as a special exception that is granted by the Zoning Hearing Board. The approved use through a special exception shall conform to the regulations prescribed in § 1413.
4. General Standards. All antennas are subject to the following provisions:
- A. Antennas shall meet all manufacturers' specifications.
 - B. No antenna shall be located where damage would be caused to electrical power lines if the antenna should fall.
 - C. Every antenna must be adequately grounded for protection against a direct strike of lightning, with an adequate grounding system.
 - D. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.

§ 1304. Apartments, Conversion. [Ord. 766, 5/16/1996, § 13.5; as amended by Ord. 780, 7/17/1997, § 5; and by Ord. 882, 2/15/2007]

Where permitted, or permitted by special exception, any building existing at the effective date of this chapter may be converted to a dwelling for more than one family, provided that:

- A. The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with the Existing Structures and Property Maintenance Code [Chapter 5, Part 1]. However, no conversion

shall result in a dwelling unit which has less than 300 square feet of habitable floor area.

- B. There is no exterior evidence of change in the building except as required by State or local building or housing codes or regulations.
- C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
- D. Off-street parking shall be provided in accordance with the provisions of Part 16.
- E. The building in which the conversion apartments are proposed must have adequate street frontage and comply with the regulations in § 1318.

§ 1305. Automobile Service Stations. [Ord. 766, 5/16/1996, § 13.4]

Such uses, where permitted, shall comply with the following:

- A. No equipment for the service of motor vehicles shall be closer than 25 feet to any side or rear property line.
- B. Canopies shall be located no less than 10 feet from the street right-of-way line.
- C. Fuel pumps shall be located at least 25 feet from any right-of-way or 50 feet from the street center line, whichever is greater.
- D. Vehicles stored at a service station due to an accident shall remain no longer than is permitted by the Existing Structures and Property Maintenance Code [Chapter 5, Part 1] from the date of arrival.
- E. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed 30 feet at its intersection with the curbline or edge of pavement.
- F. No two driveways leading from a public street to such service station or other drive-in use shall be within 15 feet of each other at their intersection with the curb or street line.

§ 1306. Bed-and-Breakfast Establishments. [Ord. 766, 5/16/1996, § 13.5; as amended by Ord. 882, 2/15/2007]

Bed-and-breakfast establishments shall meet the following additional requirements:

- A. Sleeping accommodations shall be located only within the dwelling and shall be limited to no more than three rooms for rent with a total size not to exceed 35%, or 750 square feet, of the dwelling, whichever is less.

- B. Not more than six adult guests may be accommodated at any one time. The length of stay per guest shall be limited to a maximum of 15 days.
- C. Off-street parking shall be provided in accordance with Part 16 herein.
- D. Meals for compensation shall be provided only to guests of the bed-and-breakfast establishments.
- E. Bed-and-breakfast establishments which propose to have four or more rooms to rent shall be permitted in the R-3 Medium-Density Residential Zoning District as a conditional use only. **[Amended by Ord. 975, 6/16/2016]**

§ 1307. Churches, Similar Places of Worship, Public/Private Schools and Other Public Buildings. [Ord. 766, 5/16/1996, § 13.6]

In districts where permitted, or permitted as a special exception, these uses shall meet the following requirements:

- A. The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements, but in no case shall the lot area be less than 40,000 square feet.
- B. Lot coverage shall not be greater than that required within the respective district.
- C. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall be less than 100 feet in width.
- D. Off-street parking shall be provided in accordance with the provisions of Part 16 herein.

§ 1308. Height Regulations. [Ord. 766, 5/16/1996, § 13.7]

Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors and ornamental or necessary apparatus.

§ 1309. Medical Centers. [Ord. 766, 5/16/1996, § 13.8]

Where permitted, a building for use as a medical center may be erected and used, provided that:

- A. The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania, and their staffs.
- B. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards.

- C. The minimum front, side and rear yard setbacks shall be no less than 25 feet.
- D. Lot width shall be determined by the size of the building and setbacks.
- E. A buffer yard/screen planting of no less than five feet in depth shall be maintained along side and rear lot lines abutting a residential use. Said buffer yard/screening planting shall be provided within the required side and/or rear yard.
- F. Off-street parking shall be provided in accordance with the provisions of Part 16 herein.

§ 1310. Mixed Uses. [Ord. 766, 5/16/1996, § 13.9]

- 1. When two or more principal uses occupy the same lot but not the same building, all parking, lot area, lot width, building setbacks, height, and building area requirements shall be provided so that the requirements pertaining to each use will be met in full.
- 2. No building to the rear of and on the same lot with a main building shall be erected or used for any purpose other than an accessory use to the principal building on the lot (or a home occupation as approved by the Zoning Hearing Board). Residential conversion of any accessory structure shall not be permitted. **[Amended by Ord. 975, 6/16/2016]**
- 3. When two or more principal uses occupy the same building on the same lot, all parking, lot area, and building area requirements shall be provided so that the requirements pertaining to each use will be met in full. Refer to land development regulations in the Borough's Subdivision and Land Development Ordinance [Chapter 22] for regulations.
- 4. On a corner lot (a lot which fronts on two streets) containing two principle structures, each structure must conform completely to all regulations as if it were two separate lots.

§ 1311. Motels/Hotels. [Ord. 766, 5/16/1996, § 13.10]

Where permitted, motels/hotels shall be subject to the following safeguards and regulations:

- A. Off-street parking and loading spaces for other facilities developed as part of the motel/hotel premises shall be provided as required by Part 16 of this Part.
- B. Every unit shall be provided with complete bathroom facilities.
- C. The minimum front, side, and rear yard setbacks shall be no less than 25 feet, except for a motel/hotel located in the Central Business District.

- D. A valid Pennsylvania Department of Labor and Industry certificate shall be maintained for each use.

§ 1312. Municipal Uses. [Ord. 766, 5/16/1996, § 13.11]

In any district a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for any municipal use, including municipal recreation uses.

§ 1313. Performance Standards. [Ord. 766, 5/16/1996, § 13.12]

1. All uses shall comply with the requirements of this section. Compliance shall be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions and by the Borough Council with respect to conditional uses. The Zoning Officer shall monitor compliance on behalf of the Zoning Hearing Board and Borough Council.
2. In order to determine whether a proposed use will conform to the requirements of this chapter, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
3. Vibration. Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.
4. Air Pollution. No pollution of air by flyash, dust, vapors or other substance(s) shall be permitted which is harmful to health, animals, vegetation or other property or that can cause soiling of property.
5. Fire and explosives protection. Fire-protection and fire-fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available for any activity involving the handling or storage of flammable or explosive materials.
6. Light, glare and heat.
 - A. Lighting devices which produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted.
 - B. Streetlighting exempted. This section shall not apply to streetlighting or lighting of municipal or municipal recreational facilities that are owned or maintained by the Borough.
 - C. No use shall generate glare in such a way that light shines into the eyes of motorists and create a safety hazard or that is seriously offensive to persons of ordinary sensibilities within a dwelling.
 - D. Height of Lights.

- (1) No outside luminaire, spotlight or other light source in a residential district, including lights attached to a post or a building and lights that are part of signs, shall have a height greater than 20 feet above the surrounding average finished ground level. In nonresidential districts, this maximum height shall be 60 feet.
 - (2) This shall not limit lights needed for air travel safety or lights aimed directly towards a tower or steeple.
- E. Diffused. All light sources, including signs, shall be properly diffused with a translucent or similar cover or shield or reflecting device to prevent exposed bulbs from being directly visible from abutting streets or lots.
- F. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to adjacent dwellings or residentially zoned areas and to prevent the dwellings or residentially zoned areas and to prevent the lighting from shining into the eyes of passing motorists.
- G. Maximum Candlepower. No lighting source, including signs, shall cause an illumination of greater than the following amounts, measured at the lot line of the receiving lot or street:
 - (1) Two-tenths footcandle at the residential lot line between the hours of 10:00 p.m. and 7:00 a.m.
 - (2) One footcandle at a residential lot between the hours of 7:00 p.m. and 10:00 p.m.
 - (3) Three footcandles at any lot line other than a residential lot line or at the existing right-of-way line of a public street.
- H. Flickering. Flickering or strobe lighting is prohibited.
- I. Measurement. The maximum illumination levels of this section shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. The standards of the International Commission on Illumination shall serve as a general guide in measurements in case of uncertainty. A footcandle is defined as a unit of measurement equaling the illumination on a surface one square foot in area where there is a distribution of light having a candlepower of one candela.
- J. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.

- K. Where commercial uses abut a residential district, lighting on the property shall be limited to security and safety purposes only after standard business hours. Lighting beyond standard business hours, or for special sales events, must be approved by the Zoning Officer.
7. Nonradioactive Liquid or Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Lancaster County and Borough of Elizabethtown.
8. Radioactivity or Electrical Disturbances. No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio, television or other equipment in the vicinity.
9. Noise.
- A. No person shall operate or cause to be operated on private or public property any source of continuous sound in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use:

Sound Limits by Receiving Land Use and Time

District or Land Use	Time	Sound Level Limit (dBA)
Residential or institutional zoning district or existing dwellings	7:00 a.m. — 9:00 p.m.	57
	9:00 p.m. — 7:00 a.m. plus Sundays and State holidays	52
All other district and land uses	At all times	64

- B. The maximum permissible sound level limits set forth shall not apply to any of the following noise sources:
- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - (2) Repair or construction work to provide electricity, water or other public utilities within the hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.

- (3) Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.
- (4) Motor vehicles traveling on State-owned streets.
- (5) Public celebrations specifically authorized by the Borough.
- (6) Railroad and aircraft.
- (7) The unamplified human voice.
- (8) Bells or chimes of places of worship.

C. Air-conditioning units are specifically regulated by this section.

- 10. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- 11. Smoke. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Rigglemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

§ 1314. Prohibited Uses. [Ord. 766, 5/16/1996, § 13.13; as amended by Ord. 882, 2/15/2007]

The following uses are prohibited in all districts throughout the Borough:

- A. The incineration, reduction or storage of garbage, offal, animals, fish or refuse, the storage of hazardous waste (as defined herein), unless by the authority of or under the supervision of the Borough.
- B. Dumps and dumping of any kind, unless by the authority of or under the supervision of the Borough.
- C. The stripping of topsoil for sale, exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued.
- D. Junkyards.
- E. The operation of any business which has as a substantial or a significant portion of its stock-in-trade obscene materials or offers live entertainment appealing to the prurient interest.
- F. Kennels.
- G. Massage Parlors. The operation of any massage parlor in which any of the following activities are carried on:
 - (1) The treatment of any person, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical

therapist, which order shall be dated and shall specifically state the number of treatments. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

- (2) The massage of, or physical contact with, the sexual or genital parts of one person by any other person. Sexual or genital parts shall include the genitals, public area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.
 - (3) The failure to conceal with a fully opaque covering the sexual or genital parts of the body of any person.
- H. The indoor use of fireworks, pyrotechnics, and/or open fires shall be prohibited inside any building or structure of the Borough.

§ 1315. Public Utility Facilities. [Ord. 766, 5/16/1996, § 13.14]

Public utility facilities shall be permitted in any district provided that buildings or structures erected for these utilities shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
- B. Height restrictions shall be as required by the district regulations.
- C. Unhoused equipment shall be enclosed within a chain link fence six feet in height and locked.
- D. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.
- E. If located within the Open Space and Conservation District, Institutional District, Residential Districts and Commercial Districts, screen plantings shall be required in accordance with the special yard lot and screening requirements of this Part. **[Amended by Ord. 975, 6/16/2016]**
- F. The external design of the building shall be in conformity with the buildings in the district.

§ 1316. Self-Service Storage Facilities. [Ord. 766, 5/16/1996, § 13.15]

Where permitted, self-service storage facilities shall comply with the following conditions:

- A. Buildings shall be so situated and/or screened that overhead doors are not visible from off the site.
- B. No business activity (other than rental of storage units), including miscellaneous or garage sales, and transfer/storage businesses that utilize vehicles as part of said business shall be conducted on the premises.
- C. Servicing or repair of motor vehicles, boats, trailers, lawnmowers, or any similar equipment shall not be conducted on premises.
- D. All self-service storage facility contracts shall include clauses prohibiting the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and the use of the property for uses other than dead storage.

§ 1317. Solid Waste Storage Facilities. [Ord. 766, 5/16/1996, § 13.16; as amended by Ord. 882, 2/15/2007]

All multifamily, commercial and industrial buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the provisions of the Borough refuse and recycling collection regulations and as hereinafter provided:

- A. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
- B. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Borough regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.
- C. Storage areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections, but shall not be less than four by eight feet in size or of other dimensions providing an approved equal space.
- D. Dumpsters. Placement of a dumpster for commercial or residential uses not covered under the Refuse and Recycling Ordinance, Chapter 20, on any public street or within a public right-of-way shall require permit approval by the Chief of Police and shall be subject to the restrictions and limitations set by the Chief of Police. Placement of a dumpster on any lot or street shall require a use permit issued by the Codes Compliance Official. Placement of such a dumpster shall not exceed 30 days. Verbal approval may be extended upon request, for successive additional thirty-day time periods but shall not exceed a total time of six months. For continued placement after the

expiration of six months, the permit may be considered for renewal upon application.

§ 1318. Structures to Have Access. [Ord. 766, 5/16/1996, § 13.17; as amended by Ord. 882, 2/15/2007]

Every building hereafter erected, moved, or modified into apartments shall be on a lot adjacent to a public street. Vehicular or pedestrian access shall be provided to the public street or to an approved private street. Vehicular access to the property, including the driveway and off-street parking, is permitted from a public alley if the building fronts a public street. The erection of buildings without approved access shall not be permitted. Approved access shall also be defined in terms of the Subdivision and Land Development Ordinance [Chapter 22] and Ord. 667 [Chapter 21], as may be amended from time to time for street design.

§ 1319. Swimming Pools. [Ord. 766, 5/16/1996, § 13.18; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

Swimming pools shall be a permitted as an accessory use in all districts and shall comply with the following conditions and requirements:

- A. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located (including guests).
- B. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than five feet to any property line; nor shall it be nearer to any street upon which the residence abuts than the existing setback line of the residence. In no case shall it be any closer than 20 feet to any street line.
- C. All swimming pools shall comply with all of the regulations as outlined in the Uniform Construction Code.
- D. All materials used in the construction of pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operating in such a manner as to be clean and sanitary at all times.
- E. Water may not be discharged from a swimming pool unless discharged directly into a storm sewer facility and, in so doing, does not flow onto adjacent properties or rights-of-way.
- F. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
- G. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, only diffused or reflected light, enters adjoining properties.

- H. If the swimming pool discontinues use, the pool shall be properly emptied and dismantled within 30 days after receiving notice from the Codes Compliance Official.

§ 1320. Townhouses. [Ord. 766, 5/16/1996, § 13.19]

Where permitted, all townhouses shall comply with the following:

- A. There shall be not more than six attached units in a row.
- B. A visual structural break shall be provided between every other dwelling unit. This architectural break in the structure is for the expressed purpose of providing access from the front of the unit to the rear of the unit.
- C. All other applicable provisions of this chapter.

§ 1321. Special Yard, Lot and Screening Requirements. [Ord. 766, 5/16/1996, § 13.20; as amended by Ord. 882, 2/15/2007]

1. Principal Uses and Structures on a Lot.
- A. Structures to have access. Every building hereafter erected, moved, or modified into apartments shall be on a lot adjacent to a public street. Vehicular or pedestrian access shall be provided to the public street or to an approved private street. Vehicular access to the property, including the driveway and off-street parking, is permitted from a public alley if the building fronts a public street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Subdivision and Land Development Ordinance [Chapter 22] and Ord. 667 [Chapter 21], as may be amended from time to time for street design.
- B. More than one principal structure may be erected on a single lot, provided that a land development plan is submitted for approval and is in compliance with the following provisions:
- (1) On any single lot containing residential uses, more than one structure containing a permitted principal use may be erected on a lot, provided that:
- (a) The lot is in excess of four acres.
- (b) The yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
- (c) The front of the building (containing the front entrance) faces the street, or, in the case of a corner lot, a street on which the corner lot abuts.

- (2) On any single lot containing only nonresidential uses, more than one structure containing a permitted principal use may be erected, provided that the yard and other requirements of this chapter shall be met for the entire lot regardless of the number of structures.

2. Corner Lots.

- A. Yard requirements for corner lots. A front yard (as provided for in the lot requirements for the various districts) shall be required on each street on which a corner lot abuts. The remaining two yards shall be side yards.
- B. Obstruction to vision.
 - (1) Special Yard, Lot and Screening Requirements. Walls, fences, signs or other structures shall not be erected or altered and hedges, trees or other growth shall not be planted or maintained in a manner which may cause danger to vehicular traffic on a street or road by obstructing the view. **[Amended by Ord. 975, 6/16/2016]**
 - (2) A clear-sight triangle of 100 feet, measured along the street lines of intersecting streets, shall be maintained. No structures or plantings, other than ground cover, may be located or planted within the clear sight triangle.

3. Yard Regulations.

- A. Front Yards.
 - (1) An accessory building shall not be erected within any front yard.
 - (2) Parking shall not be permitted in front yards in residential districts except on paved driveways. All driveways and other paved surfaces shall comply with the provisions regarding driveways located in § 1323 and in the impervious coverage provisions of the respective zoning district.
 - (3) Where buildings exist in the same block on either side, of an undeveloped lot, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building.
- B. Side Yards (for garage use only). No side yard setback shall be required where two garages are designed to abut in semidetached dwellings.

4. Projections into Required Yards, Porches, Patios, Decks, etc. In all districts except the Central Business District, no building nor any portion of a building may project into any required yards, except as provided for below:
 - A. An unenclosed projection with or without a roof in the nature of any entry, portico, platform, walkway or stoop extending not more than four feet out from the wall of a building shall be exempt from the requirements of its particular district when the building is otherwise in conformity. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two feet into a required yard. Flagpoles shall be the exception.
 - B. An unenclosed porch, deck, patio or platform and the accompanying steps to the ground or other structures, including but not limited to carports, must conform to the setbacks of its particular district but may be permitted as a special exception by the Zoning Hearing Board, provided that:
 - (1) The building is otherwise in conformity with the regulations of its particular district.
 - (2) The special exception would not conflict with the obstruction to vision requirements of this section.
 - (3) A minimum setback of five feet from any side lot yard is maintained.
 - (4) A minimum setback of 10 feet from any front or rear yard is maintained.
 - C. A carport, open on three sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this chapter, provided that the carport shall be not less than five feet from the side lot line.
5. Buffer Yards and Screen Plantings.
 - A. Buffer Yards.
 - (1) Unless otherwise provided, where a commercial or industrial use adjoins a residential district or where a multifamily use, located in R-1 Low-Density and R-2 Medium-Density Residential Zoning Districts, adjoins a single-family residential use, a buffer yard of not less than 15 feet in width shall be provided along the lot lines in addition to the yard required for the district in which it is located. **[Amended by Ord. 975, 6/16/2016]**
 - (2) If a front yard is provided, the buffer yard may coincide with the front yard.

- (3) All buffer yard areas shall be planted and maintained with a vegetative material, and where required for multifamily, commercial and industrial uses, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets. All buffer yards shall be planted with grass or ground cover and, where required, a dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.
 - (4) No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than 35 feet in width are permitted to cross a buffer yard provided that the angle of the center line of the road, drive, or easement crosses the buffer yard at an angle not less than 60°.
 - (5) No parking shall be permitted in buffer yards.
 - (6) Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangement of all of the buffer yards and the placement, species and size of all plant materials to be placed in such buffer yards. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.
- B. Screen Plantings. Screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:
- (1) Plant materials used in screen planting shall be at least four feet in height when planted, shall be planted no more than three feet apart, and be of such species as will produce, within three years, a complete year-round visual screen of at least six feet in height.
 - (2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.
 - (3) The screen planting shall be so placed that at maturity it will be no closer than three feet from any ultimate right-of-way or property line.
 - (4) A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets.

- (5) The screen planting shall be broken only at points of vehicular or pedestrian access.
- (6) Trees that shall not be used in planting of buffer yards are:
 - (a) Poplars — all varieties.
 - (b) Willows — all varieties.
 - (c) White or silver maple (*acer saccharinum*).
 - (d) Aspen — all varieties.
 - (e) Common black locust.
- (7) Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multifamily, townhouse, commercial or manufacturing use where the parking or solid waste disposal area abuts a residential zoning district or a lot occupied by a residential use.
- (8) A natural earthen berm of at least four feet in height may be utilized in conjunction with the screening material.
- (9) Any existing multifamily, commercial or industrial use and/or structure shall not be required to comply with the screening requirements except in cause of enlargement or exterior alteration of same, including alterations to total impervious coverage.

§ 1322. Propane Storage Tanks. [Ord. 822, 2/15/2007; as amended by Ord. 975, 6/16/2016]

Propane storage tanks shall be installed in accordance with all applicable federal and state laws, rules and regulations.

§ 1323. Driveways. [Ord. 822, 2/15/2007]

Placement of driveways or expansion of existing driveways shall meet the impervious coverage requirements of the zoning district.

- A. Number per Lot. No more than one per lot, unless approval for a variance is obtained. Two driveways are permitted on a corner lot, provided that there is only one driveway per street and the driveways are located outside of the clear-sight triangle.
- B. Setbacks. Driveways shall not connect with a public street within 40 feet of the right-of-way lines of any intersecting streets nor within three feet of adjoining lot lines.

- C. Slope. A driveway shall not exceed a slope of 8% within 25 feet of the street right-of-way line.
- D. Driveway width. No driveway shall provide a curb cut exceeding 24 feet in width.
- E. Surfacing. All driveways shall be paved with concrete or bituminous paving material.
- F. Driveways or off-street parking access from a public alley is permitted, provided that the building and lot fronts a public street and vehicular or pedestrian access is provided to the public street. All other regulations for driveways apply.

§ 1324. Unenclosed Storage. [Ord. 822, 2/15/2007]

- 1. Recreational Vehicles, Boats, Campers, Trailers, and Trucks. Within any residential zone or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the residents' recreational vehicle(s) owned by the resident of the property is permitted only according to the following requirements:
 - A. The temporary parking of one such vehicle or trailer, for periods not exceeding 72 hours during any seven-day period, is permitted on a paved surface in any yard, so long as the vehicle is set back no less than 10 feet from any street right-of-way and five feet from adjoining property lines.
 - B. The storage of such vehicles shall be permitted behind the building setback line, so long as the unit is set back no less than five feet from any adjoining lot line. All areas used for storage shall be maintained as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and registration and prevent leakage of fuels and/or lubricants into the ground.
 - C. No such vehicle shall be stored in the front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
 - D. Screening shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one lot and stores the vehicle on an adjacent vacant lot owned by the same owner.
 - E. The storage or parking of any commercial truck upon any residentially zoned lot or lot used principally for residential purposes is prohibited.

For purposes of this section, commercial trucks shall include those that exceed a gross vehicle weight (truck plus rated payload) of 10,000 pounds. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited on any residentially zoned lot or a lot used principally for residential purposes.

§ 1325. Solar Energy Systems. [Ord. 946, 3/21/2013]

1. Purpose. The purpose of this regulation is to provide guidelines for the construction and use of solar energy systems while providing for the health and safety of all residents.
2. Installation and Construction. The installation and construction of a solar energy system shall be subject to the following development and design standards:
 - A. A solar energy system is permitted in all zoning districts as an accessory to a residential or a commercial use.
 - B. A solar energy system may be roof-mounted and/or ground-mounted.
 - C. A solar energy system shall provide power for the principal residential and commercial use and/or residential accessory use or commercial use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to others, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - D. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
 - E. A roof-mounted system may be mounted on a principal building or accessory building. However the solar energy system must be located no closer than three feet to the edge of the roofline. The solar energy system must comply with the building height requirements that are specified in each zoning district.
 - F. A ground-mounted system shall not be mounted in the front yard of any principal or accessory building. The surface area shall be considered part of the building or structure's impervious coverage. The ground-mounted system shall not exceed 360 square feet of allowable lot coverage and must meet the accessory height regulations of that zoning district.
 - G. The solar panels and supporting equipment shall be considered as one solar energy system.

- H. All mechanical equipment associated with and necessary for the operation of a solar energy system shall comply with the following:
 - (1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential dwelling purposes. The screen shall consist of shrubbery, trees, or other plant materials which provide a visual screen. A decorative fence shall meet the requirements of this Section.
 - (2) The mechanical equipment shall not be located within the front yard of any structure.
- I. Solar panels shall be constructed in such a manner so as not to direct solar radiation and/or glare onto nearby properties.
- J. All power transmission lines from a ground-mounted solar energy system to any building shall be located underground.
- K. The design of the solar energy system shall meet the requirements of the Uniform Construction Code. The local utility provider must be contacted in order to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an engineer registered in the Commonwealth of Pennsylvania.
- L. The solar energy system shall be kept in good repair and sound condition. If the system remains unused for a period of six consecutive months, the device and all related structures shall be dismantled and removed from the lot within 60 days after being properly notified by the Zoning Officer.

§ 1326. Regulations Governing Erection of Energy Generating Wind Power Devices. [Ord. 946, 3/21/2013]

- 1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of wind power devices that are installed to reduce the on-site consumption of utility-supplied energy. Wind power devices are subject to reasonable conditions that will protect the public's health and welfare.
- 2. Installation and Construction. The installation and construction of wind power devices is subject to the following development and design standards;
 - A. Usage of wind power devices for residential and commercial purposes shall be permitted in all zoning districts within Elizabethtown Borough.
 - B. Wind power devices for residential use on a residential lot shall be considered an accessory use.

- C. Wind power devices shall not be permitted to be mounted on rooftops in the R-1 Low-Density, R-2 Medium-Density and R-3 High-Density Residential Zoning Districts. The devices shall not be permitted to be mounted on the rooftops in the Mixed-Use and Central Business Districts. **[Amended by Ord. 975, 6/16/2016]**
- D. The minimum lot size for the construction of a wind power device shall be one acre.
- E. Wind power devices are not permitted to be constructed in the front yard of a residential or commercial building.
- F. The height of a wind power device shall include the device's tower, rotor and the point where a blade is perpendicular to the ground. The height shall not exceed 75 feet in length.
- G. The required setback for the structure to be erected is 150% of the height of the device.
- H. The wind power device as well as all mechanical equipment associated with the device's operation shall be enclosed within a six-foot-high fence.
- I. Noise from any wind power device shall not exceed 60 decibels when measured from any property line where the unit is located.
- J. All electrical and utility lines associated with the wind power device shall be buried underground.
- K. The wind power device shall be kept in good repair and sound condition. If the wind power device remains unused for a period of six consecutive months, the device and all related structures shall be dismantled and removed from the lot within 60 days after being properly notified by the Borough Zoning Official or the designee of the Borough Zoning Official.

§ 1327. Geothermal Systems. [Ord. 946, 3/21/2013]

1. Purpose. The intention of this Section is to enable the Borough of Elizabethtown to promote the general health and welfare of the residents of the Borough by regulating and restricting the type of geothermal systems which may be installed and operated within the Borough, in order to protect and conserve the supply of underground water and prevent pollution.
2. Permitting. In addition to all other requirements to obtain a zoning permit, the application shall state the kind of system to be installed; the name, address and telephone number of the proposed installer; and the plot plan of the lot, indicating the size of lot and location of the geothermal boreholes for

- heat pump systems. Said site shall be available for inspection prior to completion.
3. Open Loop Geothermal System Prohibited. No person shall install or maintain an open loop system within the Borough.
 4. Closed Loop Geothermal System Permitted. A person may install and operate a closed loop geothermal system only in accordance with the requirements of this Section.
 - A. No person shall (1) construct or install a geothermal system; (2) dig, bore, drill, replace, modify, repair or destroy a well that is intended to be or was part of a geothermal system; or (3) make any other excavation that may intersect groundwater without first obtaining a permit from the Borough.
 - B. The only type of geothermal boreholes permitted to be drilled within the Borough are:
 - (1) Air to air.
 - (2) Closed loop (horizontal).
 - (3) Closed loop (vertical).
 - C. The only heat transfer fluids to be used in said system are a nontoxic environmentally safe material approved by the Borough Engineer.
 - D. The only pipe which may be used for installation is geothermal polyethylene pipe or pipe material meeting the most current standard of the industry as approved by the Borough Engineer.
 - E. Certified test results shall be provided to the Borough Engineer and provided and maintained by the property owner.
 - F. All boreholes shall be drilled by Pennsylvania registered/licensed water well drillers.
 - G. The property owner shall maintain a well log of the borehole and "as built" plans showing the location and specifications of closed loop geothermal components.
 - H. The contractor shall provide data sheets indicating that the grout meets the requirements of NSF/ANSI Standard 60, Drinking Water Treatment Chemicals — Health Effects.
 5. System Testing. All geothermal systems installed under the provisions of this Section must be tested.
 - A. The system shall be tested hydrostatically at 1 1/2 times the maximum system design pressure but not less than 200 psi.

- B. The duration of each test shall be not less than 15 minutes.
 - C. All geothermal systems must be pressure checked to the original standard by a geothermal contractor licensed in the Commonwealth of Pennsylvania once every three years from the system's certification date. Results of the test shall be submitted to the Borough's Building Code Inspector.
 - D. No person shall operate a system if a test reveals that it is likely to leak the heat transfer liquids.
6. System Abandonment.
- A. Heat transfer fluid must be removed by displacement with grout.
 - B. The top of the borehole must be uncovered and capped with grout.

§ 1328. Outdoor Eating Areas. [Ord. 946, 3/21/2013]

- 1. Outdoor dining areas shall be kept clean and clear of trash and/or spilled food. The dining establishment shall provide an appropriate trash receptacle for its customers to properly discard trash.
- 2. The dining establishment and/or customers of the establishment shall comply with the provisions listed in Chapter 10, Part 2, Noise Nuisance.
- 3. Dining establishments that abut a public roadway shall provide a physical barrier around the tables and chairs in the form of bollards, chains, ropes or some other system that will appropriately ensure safety for all pedestrians. In the Central Business District, the proposal to create a physical barrier shall conform to the district's architectural design and must be presented to Borough for approval before being constructed.
- 4. Outdoor dining establishments shall maintain 48 inches of sidewalk area so as not to impede the pedestrian thoroughfare commonly used by the public.
- 5. Outdoor dining establishments shall abide by and comply with the standards and regulations enacted and promulgated by State and Federal agencies.
- 6. Restrictions upon outdoor eating, as defined, shall not apply to a municipally sponsored event(s).
- 7. Owners of outdoor dining establishments shall safely secure all tables and chairs during nonbusiness hours.

§ 1329. Retail Pet Shops. [Ord. 946, 3/21/2013]

1. A retail pet shop shall consist of no more than 15 dogs and/or cats, but may house an unlimited amount of fish, rabbits, gerbils, birds and other small animals as defined in Part 2, § 201, "pets."
2. A retail pet shop sales area shall not be located closer than 250 feet from a residential zoning district. Animals shall not be permitted to use outdoor stalls or runs from 8:00 a.m. to 8:00 p.m. The section in which the animals are temporarily housed shall be adequately soundproofed so as to prevent the generation of sound.

§ 1330. Outdoor Hydronic Heaters. [Ord. 946, 3/21/2013]

1. Outdoor hydronic heaters shall be permitted as an accessory use to a principal use, by right, within all districts on lots that are one acre or larger. All outdoor hydronic heaters shall comply with the regulations of this section. It shall be the joint responsibility of the landowner and the applicant to prove compliance with this Section. This shall include the requirements of submitting manufacturer's specifications and maintenance documents, certification testing results, and any other required documents at the time of the application for both a construction and zoning permit.
2. Treated or painted wood, furniture, trash, rubbish or garbage, tires, lawn clippings, woody yard waste(s), plastic materials, waste petroleum products, paints and paint thinners, chemicals, hazardous wastes, coal, paper wastes, construction or demolition debris, plywood, animal waste and/or carcasses shall not be burned in an outdoor hydronic heater.
3. All outdoor hydronic heaters shall have a permanent attached stack. The minimum height of all stacks shall be 20 feet above the ground and otherwise installed according to the manufacturer's specifications.
4. Clean wood, corn, wood pellets made from clean wood, home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor hydronic heaters or any other materials located in a manufacturer's list of specifications so long as the material is not prohibited by federal and state regulation(s) may be burned in an outdoor hydronic heater.
5. Any outdoor hydronic heater shall be located on the same lot on which the principal use is located.
6. All outdoor hydronic heaters shall meet the certification standards of the voluntary program of the EPA for Phase I air emission levels of no more than 0.60 pound of fine particulates per million British thermal units (BTUs) heat input and any amendments or modifications made hereafter.

7. All outdoor hydronic heaters that are Phase 1 certified shall contain an orange hangtag on the boiler structure at all times. Phase 2 certified outdoor hydronic heaters shall contain a white hang tag on the boiler structure at all times.
8. All outdoor hydronic heaters shall be located 150 feet from any side or rear lot lines and/or public road or alley rights-of-way.
9. No signage or any form of advertising shall be utilized or attached to an outdoor solid-fuel-fired boiler. This requirement shall not include the make and model description of the outdoor hydronic heater, manufacturer's required hangtags or warning signs, the hangtags indicating EPA air quality specifications; or other signage that is required by law.
10. Outdoor hydronic heaters shall comply with all applicable regulations of the Uniform Construction Code.
11. In the event that an outdoor hydronic heater is damaged or it is physically deteriorated or decayed to the point where it no longer is compliant with this Section, said heater must be removed and or replaced with a new unit within 60 days of the date that notice is received from the Zoning Officer. In the event of replacement, all provisions of this Chapter in effect at the time of replacement shall be complied with.
12. In the event that the outdoor hydronic heater is abandoned, the boiler, electrical wires, and any related equipment and structures shall be dismantled and removed from the property within 60 days of the date it was abandoned.

§ 1331. Oil and Gas Operations. [Ord. 946, 3/21/2013]

It is the intent of the Borough to comply with Chapter 33, Local Ordinances Relating to Oil and Gas Operations, of Title 58 Oil and Gas, of the Pennsylvania Consolidated Statutes, as added by Act 13 of 2012. Oil and gas operations, as defined in 58 Pa. C.S.A. § 3301, shall be permitted within the Borough to the extent of and in the manner required by 58 Pa. C.S.A. § 3304. All provisions of this Zoning Ordinance shall apply to oil and gas operations to the maximum extent allowed by Chapter 33 of Title 58.

PART 14

SPECIAL EXCEPTION USES**§ 1401. Special Exception Procedures. [Ord. 766, 5/16/1996, § 14.0]**

Special exceptions may be granted or defined by the Zoning Hearing Board pursuant to the expressed standards and criteria contained herein. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as herein set forth and on the prescribed application form. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter. The Zoning Hearing Board shall pursue the following procedure:

- A. The Zoning Hearing Board's decision to grant a permit for a special exception shall be made only after public notice and public hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.
- B. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Borough of Elizabethtown, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces, and other pertinent features of the proposal. The Zoning Officer may waive this requirement if it is determined that the use will not have an impact on either current or future uses in the immediate vicinity, or the normal conduct of residential or nonresidential uses.
- C. The Planning Commission shall have 30 days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within 30 days, such application shall be deemed to have been approved by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this chapter. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgment, the request will not be detrimental to the health, safety and general welfare of the Borough of Elizabethtown.
- D. A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

- E. A special exception use approval is not transferable either to another site or for the next occupant of the structure where the use was granted.

§ 1402. Standard for Specific Special Exception Uses. [Ord. 766, 5/16/1996, § 14.1]

The following standards shall be met for lack of the uses listed in this section. Each use shall meet all other requirements of this chapter. In the case of conflict, the structure regulations shall rule.

§ 1403. Adult Bookstores, Movie Theaters and Performing Arts Theaters. [Ord. 766, 5/16/1996, § 14.3; as amended by Ord. 882, 2/15/2007]

1. No such use shall be located within 800 linear feet of any primary or secondary school, place of worship, public park, day-care center/child nursery, library, residential district or any site marked as a proposed future park location on the Borough Map.
2. No such use shall be located within 1,000 linear feet of any existing adult bookstore, adult movie theater, or adult massage establishment.
3. A forty-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines but with plantings of an initial minimum height of six feet unless the use is attached to a building that includes a minimum of 15 other uses.
4. No obscene or pornographic material or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
5. The applicant must prove to the satisfaction of the Zoning Hearing Board that such use would not adversely affect the desirable character of the surrounding area, including property values.
6. No such use shall be used for any purpose that violates any federal, state or Borough law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor has or clearly should have had continuing and/or preknowledge of and allows to occur shall be sufficient reason for the borough to withdraw the permit under this chapter.
7. No such use shall be allowed in combination with the sale or consumption of alcoholic beverages.
8. The use shall not include the sale or display of obscene materials. "Obscene materials" shall be as defined by applicable Federal and State law.
9. These uses are specifically prohibited in all districts except the Commercial District.

10. Any private viewing booths shall be completely enclosed and limited to one person per booth.
11. No use may involve live actual or simulated sex acts for exhibition or similar purposes.

§ 1404. Amusement Arcades. [Ord. 766, 5/16/1996, § 14.3]

1. Amusement arcades shall be located at least 1,000 feet from school buildings, school playgrounds, church buildings and any other amusement arcade.
2. The amusement arcade shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses.
3. Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of two feet shall be provided per machine where the machine is designed for use by two players. The depth of the space in front of the machine shall be at least five feet, and there shall be a minimum aisle width beyond this five feet of an additional three feet.
4. Readily visible signs shall be installed, with their location, size and text shown in plans submitted to the Zoning Officer, stating that the use of machines by persons under 16 years of age shall be prohibited during normal school hours and, where the premises are used primarily for the serving or consumption of alcohol, that the use of video games by persons under the age of 21 is prohibited at all times.
5. Off-street parking shall be provided in accordance with Part 16 herein.

§ 1405. Automobile Body Shop. [Ord. 766, 5/16/1996, § 14.4]

Where permitted, or permitted as a special exception, automobile body shops may be established in accordance with the following:

- A. All repair and paint work shall be performed within an enclosed building with sufficient ventilation equipment so that fumes and/or paint are not evidenced beyond any property line.
- B. Buffer yard/screen plantings shall be provided in accordance with the special yard, lot and screening requirements of this chapter.
- C. Stored and/or repaired vehicles shall remain no longer than 30 days from the date of arrival.

§ 1406. Churches, Similar Places of Worship. [Ord. 766, 5/16/1996, § 14.5]

- A. The lot area shall be determined on the basis of building size, yard requirements listed below and parking requirements, but in no case shall the lot area be less than 40,000 square feet.
- B. Lot impervious coverage shall not be greater than that required within the respective district.
- C. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall be less than 100 feet in width.
- D. Each lot shall have yards not less than the following depths or widths:
 - (1) Front yard depth: 100 feet.
 - (2) Side yards: two in number, width not less than 50 feet.
 - (3) Rear yard: 100 feet.
- E. A buffer yard/screen planting of no less than 10 feet in depth shall be maintained along all property lines and shall be placed in accordance with the special yard, lot and screening requirements of this chapter.
- F. Off-street parking shall be provided in accordance with the provisions of Part 16 herein.

§ 1407. Day-Care Residence. [Ord. 766, 5/16/1996, § 14.6]

Not more than the number of children prescribed within the particular zoning district, excluding children who permanently reside at the residence, are permitted. In addition, the following requirements shall be met:

- A. Lot area shall be determined on the basis of type of structure, parking and access requirements and other applicable standards. In any case, a day-care residence shall only be permitted in either a single-family detached, semidetached or attached dwelling.
- B. A minimum of 100 square feet of usable outdoor play space on the premises and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
- C. Outside play shall be limited to the rear yard of such facility and shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- D. A buffer yard of no less than 10 feet in depth shall be established along rear and side lot lines in accordance with the special yard, lot and screening requirements of this chapter. Said buffer yard shall be provided in addition

to required side and rear yards and shall not be included in determining usable outdoor play area.

- E. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, State or Federal regulations. The owner shall submit proof of compliance prior to receiving a permit to operate a day-care residence.

§ 1408. Drive-Through Services. [Ord. 766, 5/16/1996, § 14.7; as amended by Ord. 946, 3/21/2013]

1. Any drive-in window for any use shall have driveway lanes and waiting lanes with capacity for sufficient number of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets adjoining the use.
2. The drive-through service shall not block or impede in any way a curb, sidewalk or thoroughfare commonly used by the public whether private or public.
3. The total number and area of the signs for the drive-through service shall not exceed the standards prescribed for the zoning district.
4. Lighting will only be permitted to meet minimum safety concerns for customers and shall not filter into residential zones.

§ 1409. Fitness (Exercise) Center. [Ord. 766, 5/16/1996, § 14.8]

1. Adequate parking must be provided for the total maximum number of customers and staff that will use the facility at any one time. Public parking facilities and on street parking shall not be used to meet the total number of required spaces.
2. Lighting will only be permitted to meet minimum safety concerns for customers and shall not filter into residential zones.
3. The sole purpose of any health, fitness or exercise center shall be to improve the physical fitness of the customer, i.e., free weights, tread mills, variable resistance equipment, nautilus equipment, aerobics, shower and locker facilities, sauna, steam rooms and the like.

§ 1410. Home Occupation. [Ord. 766, 5/16/1996, § 14.9; as amended by Ord. 882, 2/15/2007]

1. A home occupation shall be carried on completely within the dwelling unit or accessory building.
2. No more than one home occupation per lot shall be permitted.

3. No person other than permanent residents of the dwelling unit shall be employed in the home occupation with the exception of part-time, clerical assistance not to exceed 20 hours per week.
4. Not more than 25% of the floor area of the dwelling unit shall be devoted to a home occupation.
5. There shall be no exterior display or sign (except as permitted in the regulation of signs in this chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. Refer to § 1705(1)(G).
6. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
7. A home occupation may include but is not limited to art studios; dressmaking or alterations; barbershop; beauty parlor; teaching, music or dance instruction limited to a single pupil at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; or any other activities of a similar nature.
8. A home occupation shall under no circumstances be interpreted to include a commercial stable or a kennel, video game/arcade, retail store, weapons sales or repairs, restaurant, funeral parlor or animal hospital.
9. No expansion of a home occupation, either within the home or to an adjacent property, shall be permitted.
10. Off-street parking shall be provided in accordance with the provisions of Part 16 herein.
11. All home occupation uses shall be limited to the owner of the property and immediate family members of the owner, provided that the property remains owner-occupied.
12. No-impact home occupations shall be permitted as a matter of right in all zoning districts. A no-impact home occupation must meet all of the following criteria:
 - A. No customer, client, or patient traffic, either vehicular or pedestrian.
 - B. No pickup, delivery or removal functions in excess of normal residential use.
 - C. Business activity must be compatible with residential use of the property and surrounding residential uses.
 - D. Only immediate family members residing in the dwelling may be employed.

- E. No display or sale of retail goods or inventory of a substantial nature.
- F. No outside appearance of a business use, such as parking, signs, or lights.
- G. No equipment or process may create noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable in the neighborhood.
- H. No solid or sewage discharge, in volume or type, not typical for residential use.
- I. The occupation may not occupy more than 25% of the habitable floor area within the dwelling.
- J. No illegal activity may be engaged in.
- K. All home occupation uses shall be limited to the owner of the property and immediate family members of the owner, provided that the property remains owner-occupied.

§ 1411. Parking Facilities as a Principal Use. [Ord. 766, 5/16/1996, § 14.10]

1. Lighting will only be permitted to meet minimum safety concerns for customers and shall not filter into residential zones.
2. Adequate screening in buffer areas shall be provided to shield vehicles from the view of nearby properties and normal pedestrian traffic.
3. The design of the structure shall give maximum attention to the safety of pedestrians in and around the parking facility.
4. Ease of vehicular access, including two means of ingress and egress, to and from the facility shall be demonstrated.
5. All lot setback requirements shall be adhered to for the particular zoning district.
6. The hours of operation and staffing requirements must be addressed in an effort to provide minimum disruption of adjacent properties and to provide adequate safety for customers.
7. If the proposed use involves the demolition of a structure(s), the requirements of § 907 shall be followed.

§ 1412. Public/Private Schools. [Ord. 766, 5/16/1996, § 14.11]

All requirements as listed in § 1405 above shall be applied to public/private school uses.

§ 1413. Commercial Communication Antennas and Towers. [Ord. 766, 5/16/1996; as added by Ord. 829, 11/15/2001; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

1. If a communication tower, communication equipment, building or antenna cease being used or are abandoned for a period of one year, the owner, lessor or operator shall dismantle and remove all improvements within six months following notice to do so by Borough Council.
2. The following criteria apply to all communication antennas and communication antenna sites. Antennas for radio and television shall also comply with the regulations in § 1303.
 - A. Any applicant for erection, alteration or use of a commercial communication antenna or proposed site shall be by special exception, and the applicant shall bear the burden of clearly demonstrating compliance with all of the following standards and criteria:
 - (1) The applicant shall demonstrate, through technological evidence and data, that the proposed location is absolutely necessary for the operation of the system.
 - (2) Any stand-alone structure not attached to an existing building shall be set back from each property line that is adjacent to a residential use, but in no circumstance less than 50 feet from any property line or any such building. This setback shall be applicable to guide wire anchors for the structure. Any structure shall be provided with warning signage for potential radiation danger, if any. Shielding shall be installed if there is any potential radiation.
 - (3) All commercial communication towers shall be completely enclosed by an eight-foot-high nonclimbable fence with self-locking gate.
 - (4) There shall be no electrical, electromagnetic or microwave or other interference or pollution off-site.
 - (5) The applicant shall demonstrate that surrounding areas will not be affected by support structure failure, falling ice or other debris. All support structures shall be fitted with anti-climbing devices as approved by the manufacturer.
 - (6) The applicant shall demonstrate that the antenna and commercial communications tower is the minimum height required to function satisfactorily. This requirement shall not be applicable to antennas located upon an existing structure where the total height of the structure and antenna does not exceed 150 feet.

- (7) If the applicant proposes to erect a new commercial communication tower, the applicant shall demonstrate that he or she has contacted the owners of nonresidential structures within a one-mile radius of the proposed site and has requested permission to install the antenna on those structures. The applicant shall clearly demonstrate that it is not feasible to erect the antenna on these existing structures. The applicant shall make a good-faith effort to install the antenna on existing structures, including but not limited to flagpoles, bell towers, smokestacks, water towers, silos, electrical transmission facilities, tall commercial or industrial buildings, previously existing commercial communication towers of other communication companies and similar structures.
- (8) In order to reduce the number of commercial communication towers needed in the Borough in the future, any new proposed commercial communication tower shall be designed to accommodate other users, including but not limited to police, fire and emergency services. Applicants shall submit an agreement with the Borough whereby they agree to negotiate in good faith with subsequent lessees to lease the commercial communication tower for co-usage.
- (9) If the use of the site requires licensing by any State or Federal agency, the applicant shall present a copy of the application to such entities and all decisions by such entities.
- (10) If the site operation is fully automated, the applicant shall provide off-street parking required for two maintenance workers. If the operation is not fully automated, the applicant shall provide off-street parking spaces equal to the largest number of persons on the largest shift working on the property, but no less than two.
- (11) The applicant shall install landscaping to screen the fence and site and any ground-level features, including but not limited to buildings, which may be installed. Landscaping shall consist of evergreen trees to be planted on ten-foot centers maximum, which shall have a minimum height of six feet at the time of planting. The Board may require further deciduous plantings to mitigate the impact of the development on the surrounding neighborhood. All landscaping must be installed prior to the issuance of the certificate of use and occupancy by the Zoning Officer. Existing vegetation on and around the site shall be preserved unless absolutely necessary to be removed for functioning of the equipment. This requirement shall not be applicable to antennas located upon an existing structure where the total height of the structure and antenna does not exceed 150 feet.

- (12) Commercial communication towers shall be painted with paint such as to significantly reduce the visual impact thereof; provided, however, these requirements shall not apply to an antenna which is installed upon an existing structure that is not exclusively an antenna support structure. Support structures shall be painted an acceptable color that will lessen visual impact. Commercial communication towers shall meet all minimum Federal Aviation Administration regulations. No commercial communication tower may be artificially lighted except when required by the Federal Aviation Administration or by State regulations. All lighting shall be shielded and provide an antiglare screen to prevent glare from reaching the surface of the land.
 - (13) No commercial communications antenna site shall be used for holding advertising signage.
 - (14) Use of any structure, other than the commercial communication tower, shall be limited to that clearly necessary for functioning of the equipment.
 - (15) The applicant shall submit proof of compliance with the Pennsylvania Aviation Act, together with a letter from all operators of airports located within 30 miles of the proposed commercial communication antenna site as to their nonopposition to the construction of the commercial communication tower or antenna site(s).
 - (16) All access drive(s) to the commercial communication antenna site(s) shall contain a right-of-way of at least 20 feet, 10 feet of which shall be improved with a hard surface in compliance with the driveway requirements of the Borough of Elizabethtown Subdivision and Land Development Ordinance [Chapter 22].
- B. In the case of roof-mounted communication antenna sites, the following additional criteria shall apply:
- (1) Unless communication requirements absolutely require another location, any roof-mounted antenna site shall be installed only on that portion of the roof facing the rear of the property.
 - (2) No roof-mounted commercial antenna site shall project more than five feet above the roofline unless the applicant shall demonstrate that unique site constraints create interference which mandates a higher placement in order to provide for proper reception. The applicant shall provide clear and convincing evidence of the interference which mandate a higher placement and clear and convincing evidence that the

placement required is the minimum necessary for proper reception:

- (3) If there is any radiation potential, the applicant shall provide shielding and warning signage.
 - (4) The applicant shall provide written proof that the site constraints prohibit placement of a commercial satellite dish directly on the ground and therefore require the dish to be elevated.
 - (5) No roof-mounted commercial communication antenna shall be located upon a residential unit.
 - (6) Omni-directional or whip commercial communications antennas shall not exceed 20 feet in height and seven inches in diameter.
 - (7) Directional or panel commercial communications antennas shall not exceed five feet in height and three feet in width.
- C. The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. If a commercial communication tower, equipment, building or antenna cease being used or are abandoned for a period of one year, the owner, lessor or operator shall dismantle and remove all improvements following notice.

§ 1414. Annual Community Fair. [Ord. 882, 2/15/2007; as amended by Ord. 946, 3/21/2013]

- 1. The annual Elizabethtown Fair held each calendar year:
 - A. Must meet all applicable regulations of the Institutional Zoning District.
 - B. Must meet all applicable requirements of the Subdivision and Land Development Ordinance [Chapter 22].
 - C. Provide adequate safety on the site, to include certification from the Elizabethtown Fire Company and Northwest EMS regarding adequacy of first responder access; identification of all pedestrian and vehicular access; and written approval of a security plan by the Elizabethtown Police Department.
 - D. Parking must comply with the standards set forth in Part 16.
 - E. No outside storage or display of materials, products, or other equipment shall occur when the event is not in progress.

- F. Shall be designed and operated so that neighboring properties are not exposed to offensive or excessive noise, amplified music or vibration, especially from traffic or late-night activity.
- 2. Any expansion, modification, or additional occurrence of use shall require separate Zoning Hearing Board approval and shall be subject to criteria in effect at the time of application.

§ 1415. Demolition of Buildings. [Ord. 946, 3/21/2013]

- 1. The applicant shall produce a report from a structural engineer describing the condition of the building necessitating demolition.
- 2. The minimum height for a building replacing a demolished structure shall be 35 feet.
- 3. The applicant shall produce, if applicable, official documentation of any effort to sell the building.
- 4. The applicant shall provide a plan for proposed disposition of salvageable material(s).
- 5. The applicant shall provide photographs of the exterior and interior of the property.
- 6. The building shall not be demolished until there is a recorded subdivision or land development plan for the property and any zoning approvals for the proposed new use have been obtained.

PART 15
CONDITIONAL USES

§ 1501. Conditional Use Procedures. [Ord. 766, 5/16/1996, § 15.0]

Where provided for in this chapter, the Borough Council shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and this chapter. The Borough Council may grant approval of a conditional use, provided that the applicant complies with the following standards for conditional uses and that the proposed conditional use shall not be detrimental to the health, safety or welfare of the neighborhood.

§ 1502. Standards. [Ord. 766, 5/16/1996, § 15.1; as amended by Ord. 946, 3/21/2013]

1. The applicant shall provide evidence of compliance with all conditions for such conditional use as provided for in this Part.
2. The applicant shall provide evidence that the proposed conditional use shall be properly serviced by existing streets. The peak traffic generated by the use shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. For a nonresidential conditional use application, the applicant shall demonstrate, through the use of traffic studies or other applicable data, that the granting of the conditional use shall not increase traffic congestion on streets within the Borough.
3. The applicant shall provide evidence that the proposed conditional use shall not negatively impact upon utilities, police protection, fire protection and parks and recreation facilities. The applicant may demonstrate, through offsite improvements, the ability to minimize or remove any potential impact on the surrounding area.
4. The applicant shall submit a site plan, drawn to a scale of not more than 100 feet to one inch, containing the following information:
 - A. Location of all existing floodplains, watercourses, wetlands, rights-of-way, easements, areas of subsidence, wooded areas and other significant natural features on the tract.
 - B. The location of all streets, adjacent tracts and buildings within 200 feet of the tract.
 - C. Location of all proposed land uses, including residential uses, by type.
 - D. Number of proposed lots and/or dwelling units or nonresidential structures and lot sizes.

- E. Location of public water and sewer lines.
 - F. All proposed site grading and drainage provisions.
 - G. Zoning data.
 - H. Certification of site plan by professional engineer/surveyor.
 - I. Certification of ownership and acknowledgment of plans signed by owner.
- 5. The applicant shall provide Borough Council with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
 - 6. The proposed conditional use shall not significantly detract from the use of neighboring properties or from the character of the neighborhood and that the use of adjacent property is adequately safeguarded.
 - 7. Unless otherwise specified by Borough Council or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit or commence work on the proposed use within one year from the date of authorization thereof by Borough Council or by the court if such conditional use has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the conditional use within one year from the date of issuance of a zoning permit. Borough Council, may for reasonable cause, extend the time periods of up to five years and/or can impose different time periods to obtain a zoning permit and to complete construction for each phase of a multi-phase development authorized by conditional use approval. An applicant desiring an extension of either time period and/or desiring that Council shall establish different time periods for different phases of a development shall make a written request for the extension specifying the requested length of the extension sought and the reasons for the requested extension.
 - 8. Conditional use approval is not transferable from the applicant to any successive owner, heir, assign or lessee.

§ 1503. Standards For Specific Conditional Uses. [Ord. 766, 5/16/1996, § 15.2]

The following standards shall be met for each of the uses listed in this section. In addition, each use listed in this section shall meet all other requirements of this chapter. In the case of conflict, the stricter regulation shall rule.

§ 1504. Apartments (Garden Apartments/Apartment Houses). [Ord. 766, 5/16/1996, § 15.3]

Where permitted, or permitted as a conditional use, all newly constructed apartments shall comply with the following:

- A. There shall be not more than eight dwelling units per building.

- B. No garden apartment building shall be in excess of two stories in height.
- C. A visual structural break in building face shall be provided between every four dwelling units with separate entrances and/or townhouse type structures, such as a walkway or an offset.
- D. The lot area per dwelling unit shall not be less than 4,000 square feet.
- E. The minimum habitable floor area of each dwelling unit shall be provided in accordance with the Borough Existing Structures and Property Maintenance Code [Chapter 5, Part 1]. In addition, the structure in general and each unit shall conform to the Borough Existing Structures and Property Maintenance Code [Chapter 5, Part 1], as amended from time to time.
- F. Off street parking shall be provided in accordance with the provisions of Part 16.
- G. Trash and recycling receptacles shall not be visible from the street or adjoining properties.

§ 1505. Bed-and-Breakfast Establishments with Four or More Rooms for Rent. [Ord. 766, 5/16/1996, § 15.4; as amended by Ord. 882, 2/15/2007]

Where permitted, or permitted as a conditional use, bed-and-breakfast establishments with four or more rooms for rent may be established, subject to the following conditions:

- A. Accommodations shall be limited to no more than 10 guest rooms for rent.
- B. Sleeping accommodations shall be located only within the dwelling, and each guest room shall be a minimum of 250 square feet of habitable floor space.
- C. Each sleeping room shall be limited to two adults each.
- D. Meals for compensation shall be provided only to guests of the bed-and-breakfast establishment. No cooking facilities shall be provided or permitted in the individual guest rooms.
- E. Off-street parking shall be provided in accordance with Part 16 herein.
- F. Signs shall be in compliance with Part 17 herein.

§ 1506. Clubs, Lodges and Fraternal Organizations. [Ord. 766, 5/16/1996, § 15.5]

In districts where permitted, or permitted as a conditional use, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A buffer yard/screen

planting of no less than five feet in depth shall be maintained along all property lines abutting a residential use.

§ 1507. Day-care Centers. [Ord. 766, 5/16/1996, § 15.6]

1. Operators shall comply with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, State or Federal regulations. The owner shall submit proof of compliance prior to receiving a permit to operate a day-care center.
2. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards but in no case shall be less than 8,000 square feet plus 500 square feet for every child over 10.
3. The minimum front, side and rear yard setbacks shall be in compliance with applicable district requirements.
4. Outside play shall be limited to the hours between 7:00 a.m. and 7:00 p.m. If an outside play area is to be provided, it shall be completely enclosed with a chainlink or closed wooden fence.
5. Off-street parking shall be provided in accordance with Part 16 herein.
6. No outdoor storage of materials which may be construed as a potential hazard shall be permitted.
7. If play equipment or toys are used outside the structure, the entire lot shall be cleaned and free of the equipment or toys at the end of each business day.
8. In residential districts, day-care centers shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
9. Each center shall include adequate measures to insure the safety of children from traffic or other nearby hazards.

§ 1508. Funeral Homes. [Ord. 766, 5/16/1996, § 15.7]

1. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than 5,000 square feet in any residential district.
2. Minimum front, side, and rear yard setbacks shall be 15 feet.
3. Lot width shall be determined by the size of the building and setbacks.
4. A buffer yard/screen planting of no less than five feet in depth shall be maintained along rear and side lot lines abutting a residential use.

§ 1509. Group Homes. [Ord. 766, 5/16/1996, § 15.8; as amended by Ord. 946, 3/21/2013]

1. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than 12,000 square feet.
2. The minimum front, side and rear yard setbacks shall be no less than 25 feet.
3. Off-street parking shall be provided in accordance with Part 16 herein.
4. All other applicable provisions of this chapter and the following standards:
 - A. Dwelling type. A group home shall only be allowed in a single-family detached house.
 - B. The use shall be licensed under the applicable State rules and regulations.
 - C. No more than one group home per block is permitted, and no group home shall be located nearer than 500 feet from the lot on which another group home is located (such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot).
 - D. One off-street parking space shall be provided for:
 - (1) The supervisor.
 - (2) Each additional employee per shift.
 - (3) Every resident reasonably capable of driving a vehicle.
 - E. The group home activity shall not be related to and include the criminal rehabilitation of either juveniles or adults, nor the criminally insane, nor serious alcohol or drug addiction, nor the care or housing of any persons clinically diagnosed as prone to violence, nor the rehabilitation of registered sexual offenders and/or violent sexual predators.
 - F. If the group home is located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area.
 - G. The group home shall register its location, number of residents and sponsoring agency with the Borough and such information shall be available to the public. The group home shall be subject to the

residential inspection program or any safety standard as adopted by formal resolution and/or ordinance of Borough Council.

- H. A statement setting forth full particulars on the operation to be conducted and to include any needed approvals of the Pennsylvania Departments of Health, Labor and Industry, Aging and Public Welfare shall be filed with the Borough.
- I. The group home shall notify the Borough immediately if there is a change in the type of clients in the home, or if State certification expires or is withdrawn.
- J. Minimum lot area. The minimum lot area requirements for the zoning district shall be met, but in no case shall the lot size be less than 12,000 square feet for each group home in a single-family detached dwelling.
- K. Off-street parking areas of more than five spaces shall be buffered from adjacent existing single-family dwellings by an appropriate planting screen.

§ 1510. Ground-Floor Dwelling Unit in the Central Business District. [Ord. 766, 5/16/1996, § 15.9]

Ground-floor dwelling units, in the Central Business District, may be granted as a conditional use, in the rear of the structure only, if no other reasonable use can be found or demonstrated for the unit or part of the structure. The unit shall have a commercial facade, and the appearance of the overall structure shall be maintained as a commercial unit in appearance.

- A. Each unit shall have two off-street parking spaces subject to the requirements of § 911.
- B. The applicant needs to clearly demonstrate that the proposed space cannot be used for commercial purposes due to location, size or other limiting circumstances.
- C. A ground-floor dwelling unit cannot be created through a building renovation or alteration.

§ 1511. Nursing Homes. [Ord. 766, 5/16/1996, § 15.10]

- 1. The facility shall be constructed and operated in accordance with applicable Federal, State and local laws and regulations.
- 2. A buffer yard/screen planting of no less than five feet in depth shall be established along rear and side lot lines.

3. The use shall provide for passive recreation on at least 15% of the lot. This area may include outdoor sitting areas and pedestrian or wheelchair pathways.
4. There shall be a minimum of 500 square feet of total lot area per resident.
5. Principal and accessory buildings shall be set back a minimum of 50 feet from the lot line of an existing dwelling.

§ 1512. (Reserved)¹³

§ 1513. Public/Private Schools. [Ord. 766, 5/16/1996, § 15.12]

1. The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements, but in no case shall the lot area be less than 40,000 square feet.
2. Lot impervious coverage shall not be greater than that required within the respective district.
3. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall be less than 100 feet in width.
4. Each lot shall have yards not less than the following depths or widths:
 - A. Front yard depth: 100 feet.
 - B. Side yard: two in number, width not less than 50 feet.
 - C. Rear yard: 100 feet.
5. A buffer yard/screen planting of no less than 10 feet in depth shall be maintained along all property lines and shall be placed in accordance with the special yard, lot and screening requirements of this chapter.
6. Off-street parking shall be provided in accordance with the provisions of Part 16 herein.

§ 1514. Shopping Center. [Ord. 766, 5/16/1996, § 15.13]

1. The center must be a totally planned and coordinated commercial development located on contiguous land under single ownership or control; all proposed uses shall be submitted on the total development of the site.
2. The center must be located on a collector or arterial road as defined in the Borough's Subdivision and Land Development Ordinance [Chapter 22].

¹³Editor's Note: Former § 1512, Outdoor Eating Activity (Ord. 766, 5/16/1996, § 15.11, as amended by Ord. 876, 8/17/2006), was repealed by Ord. 946, 3/21/2013.

3. The lot area shall be determined on the basis of building size, yard requirements of the zoning district but in no case shall the lot area be less than five acres.
4. A land development plan must be submitted in accordance with the Borough's Subdivision/Land Development Ordinance [Chapter 22].
5. Review of a proposed shopping center as a conditional use, shall include but not be limited to the following issues: market research and feasibility information, traffic and circulation study, lighting of all buildings and parking areas, stormwater runoff and screening, off street parking, signage and access regulations as listed in this chapter.
6. The Borough Council may require sufficient studies and information to adequately review a proposed shopping center plan.

§ 1515. College-Related Uses. [Ord. 766, 5/16/1996; as amended by Ord. 798, 6/17/1999, § 2; and by Ord. 975, 6/16/2016]

Where permitted as a conditional use, certain structures within the R-1 Low-Density Residential Zoning District may be used for college-related uses subject to Borough Council's review of and satisfaction with all of the following standards and also subject to an applicant's compliance with all other provisions of this chapter and other applicable Borough ordinances and codes.

- A. The application and plans presented in accordance with the conditional use standards set forth in this chapter must specify the number of employees — full-time, part-time and temporary — that will occupy or use the structure, their specific function and the anticipated amount of staff, visitor and/or guest traffic expected.
- B. The application and plans submitted in accordance with the conditional use standards set forth in this chapter must make provision for adequate parking for the site/structure. Borough Council shall, in its sole discretion, determine and approve the plan for the adequacy of parking for the site/structure. Parking for the site/structure may be on the site or off site as required by Council in its sole discretion.
- C. The proposed use for the structure and the hours of operation for the use within the structure shall be submitted as part of the application. If a visitor residential use is proposed for the structure, there shall be no less than 500 square feet of habitable floor space for each proposed visitor in residence. All other applicable sections of the Borough Existing Structures and Property Maintenance Code (Chapter 5, Part 1) shall apply to the structure. At no time shall more than five persons be permitted to be in residence within any structure, no matter how many square feet may be available in it. If the provisions of this condition relating to square feet would ever be deemed to be invalid or unenforceable by any court of competent jurisdiction considering the matter, any prior approval for visitor residential use of the structure will be no longer permitted.

- D. A plan which details the type and size of all proposed signs shall accompany the application.
- E. Proof that the proposed use has been reviewed and discussed with all adjacent property owners of the proposed site and/or structure shall be submitted with the application.
- F. If the structure is to be used as a residence for students, there must be 500 square feet of habitable floor space for each student. All other applicable sections of the Borough Existing Structures and Property Maintenance Code (Chapter 5, Part 1) shall apply to these units and/or structure. In no instance shall more than five students be permitted to be housed within any proposed residence.
- G. The outside appearance of the structure must remain residential in character regardless of the use proposed for the site. The maintenance of the structure and the yard shall be performed at the same level and intensity as those residences adjacent to the proposed college-related use.
- H. All external lighting of the structure and lot must remain residential in nature and be consistent with the type and intensity of the residential exterior lighting throughout the greater neighborhood.
- I. Proof must be presented by the applicant that the applicant holds legal title to the property in fee simple. A certificate of title from an attorney or reputable title insurance company regularly doing business in the County of Lancaster and Commonwealth of Pennsylvania shall be sufficient to establish such ownership along with a copy of the recorded deed of conveyance.
- J. Borough Council shall decide the appropriateness of each application for the college-related use of a residential structure on a case-by-case basis. Borough Council is solely responsible for determining whether the proposed use is compatible with the site and with neighboring structure and may approve or disapprove any conditional use request submitted under this section.
- K. Any change, modification, alteration or change in type or level of intensity pertaining to any aspect of a previously approved college-related conditional use shall be a basis for a new hearing. Borough Council is under no obligation to grant such a conditional use application based upon a change, modification, alteration or change in type or level of intensity in a previously approved college-related use. Any change, modification, alteration or change in type or level of intensity for an approved conditional use under this section, without prior notification and subsequent approval by Borough Council, shall be deemed sufficient justification for revocation of an approved use of a structure or site.

§ 1516. Construction or Modification of Structures, Buildings, and/or Uses that Result in Structures, Buildings or Uses in Excess of 10,000 Square Feet. [Ord. 876, 8/17/2006; as amended by Ord. 882, 2/15/2007]

For construction or modification of structures, buildings and/or uses which result in structures, buildings, or uses in excess of 10,000 square feet, the following shall be provided for review:

- A. A complete description of the intended use of the property and/or building, including a ground-level elevation plan and sketch plan.
- B. A description of any intended building renovations, modifications, demolition, or new construction, both interior and exterior.
- C. Review and approval of a comprehensive traffic impact study detailing traffic flow and movement both on and off site, parking requirements and ability of emergency vehicles to access the site. The traffic study shall detail the effect that the proposed or expanded use and/or structure will have on the adjoining streets and neighborhood. It shall include data demonstrating the flow of traffic based on points of origin and destination for employees, visitors, and customers for each building or use on the property. The applicant must demonstrate that the site for the proposed use or structure can accommodate the required elements to mitigate off-site traffic and parking concerns that may result from the proposed use.
- D. A parking study must be submitted detailing the number of parking spaces required in accordance with Part 16 of this chapter. Council will consider the proximity of the proposed parking to the use or structure for appropriateness for the intended use. In no event shall on-street public parking be considered a part of the required parking spaces for the proposed use.
- E. The impact of the proposed or expanded structure or use on any historically significant structures or land.
- F. A landscape plan for the intended use must be submitted, with a particular focus on screening for parking lots, the planting of trees in accordance with the Subdivision and Land Development Ordinance,¹⁴ and the aesthetics of the proposed use in relation to neighboring properties.
- G. Any outside storage or display areas shall not occupy any portion of a public street or alley, right-of-way, or any other area intended for vehicular or pedestrian use, required parking areas or required front yard.
- H. Outside storage areas shall be fully shielded from view from all public streets and other properties with adequate landscaping and/or fencing.
- I. All proposed structures or buildings shall maintain a pedestrian-oriented street frontage design.

¹⁴Editor's Note: See Ch. 22, Subdivision and Land Development.

- J. All proposed uses shall conform to the performance standards as detailed in Part 13 of this chapter.
- K. All parking areas shall be screened from adjacent residential uses, streets, and pedestrian walkways using an adequate arrangement of trees and/or shrubs and meet the regulations in § 1321 in the supplemental regulations.
- L. Certification for appropriate access for emergency vehicles shall be in writing by the Friendship Fire and Hose Co. No. 1 and Northwest Emergency Medical Services.
- M. The proposed or expanded use or structure shall not impact any planned improvement, if any, detailed on the Official Map.
- N. All other regulations of the district, including permitted uses, height regulations, lot area, width and impervious coverage must be met.

§ 1517. Adaptive Reuse as a Conditional Use. [Ord. 866, 12/15/2005, § 3; as amended by Ord. 882, 2/15/2007]

Adaptive reuse is a process that adapts a building or a group of buildings for new uses in order to retain their historical, architectural, and economic features and provide environmental, social, and economic benefits to the neighborhood and community. Adaptive reuse applies when 1) the proposed use of the building or group of buildings does not meet zoning requirements for the zoning district in which the building or group of buildings is located and 2) the long-term benefits of the proposed adaptive reuse to the neighborhood or community of the proposed project outweigh the alternative of demolition, vacancy or underutilization of the building or group of buildings. Where permitted, or permitted as a conditional use, adaptive reuse of a building or group of buildings may occur subject to the following conditions:

- A. The building or group of buildings proposed for adaptive reuse must have historical, architectural, or economic significance to the neighborhood and community, justifying renovation and preservation, as determined by recommendation of the Borough's Planning Commission and decision of Borough Council.
- B. A detailed written proposal for the adaptive reuse, the type of use proposed, and explanation of how the proposed adaptive reuse presents long-term benefits to the neighborhood and community where the building or group of buildings is located must be provided. The application package must also include a sketch plan, architectural elevations, and landscaping design plans for proposed changes to the building(s) or lot.
- C. The proposed adaptive reuse must be a commercial or residential use as permitted by right or conditional review, not including special exception uses, in the Borough's CBD and/or residential zoning districts as outlined by the Borough's zoning ordinance or a use of essentially the same impact and

character as determined by recommendation of the Borough's Planning Commission and decision of Borough Council.

- D. If the proposed parking for the adaptive reuse does not meet the requirements of Part 16 of this chapter, the applicant must provide for Planning Commission review and Borough Council approval a detailed parking proposal for each proposed use, including 1) the projected number of all tenants and employees occupying the building(s) and the projected number of other occupants of the building(s) at peak times of use, and 2) a plan for how the parking needs for each proposed use are to be met.
- E. The proposed adaptive reuse of a building or group of buildings encourages the rehabilitation and reuse of the building in a manner that preserves features of historical, architectural, or economic significance.
- F. The proposed adaptive reuse does not displace viable uses for the zoning district in which it is located.

PART 16

OFF-STREET PARKING**§ 1601. General Parking Regulations. [Ord. 766, 5/16/1996, § 16.0; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]**

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available for patrons/employees throughout the hours of operation of the particular business or use for which such facilities are provided for residents and visitors of residential uses. The term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way (and not a municipally owned parking lot or space). All parking spaces shall be ample in size for the vehicle for which the use is intended. The net parking space per vehicle shall not be less than nine feet wide and 18 feet long. Parking spaces and the approaches thereto shall be paved surfaces or stabilized surface subject to a favorable recommendation for approval by the Borough Engineer. For purposes of this Chapter, a stabilized surface is hereby defined as an approved all-weather, dustless surface.
2. All parking spaces shall be ample in size for the vehicle for which the use is intended. The net parking space per vehicle shall not be less than nine feet wide and 18 feet long. Parking spaces and the approaches thereto shall be paved surfaces or stabilized surface subject to a favorable recommendation for approval by the Borough Engineer. For purposes of this chapter, stabilized surface is hereby defined as an approved all-weather, dustless surface.
3. Handicapped Parking.
 - A. The latest Federal standards for handicapped parking must be met. The minimum size shall be 13 feet by 18 feet for each space.
 - B. Number of spaces. Any lot including at least 10 off-street parking spaces shall include a minimum of one handicapped space. A minimum of 2% of all off-street parking spaces required for use shall be handicapped spaces.
 - C. Location. Handicapped parking spaces shall be located where they would result in the shortest possible accessible distance to an accessible building entrance.
4. Parking in the Central Business District must comply with the regulations in § 911.

§ 1602. Off-Street Parking Facilities Requirements. [Ord. 766, 5/16/1996, § 16.1; as amended by Ord. 882, 2/15/2007]

Any of the following facilities hereafter erected or enlarged, or any facility hereafter converted into one of the following uses, or any open area hereafter used shall be provided with not less than the minimum parking spaces and loading/unloading areas as set forth below, together with adequate accessways, driveways or other means of circulation and access to and from a street.

A. Specific Parking Space Requirements.

Uses	Required Parking Spaces
1. Automobile body shop; automobile service station	6 per service bay, plus 1 space for every employee (full time and part time).
2. Automobile wash	2 per washing lane.
3. Bank/financial institution	1 per 150 square feet, plus 2 convenient spaces for each automatic banking transaction machine.
4. Bed-and-breakfast	1 per room, plus 2 for the dwelling units.
5. Convenience store	1 per 200 square feet of floor area.
6. Day-care center (nursery school)	1 per employee (full time or part time), plus 1 safe off-street loading/unloading space per 5 children.
7. Funeral home/mortuary	1 per 50 square feet, plus 1 per employee (full time or part time).
8. Group home	1 per 4 residents, plus 1 per employee in the maximum working shift and 1 per advisor residing within the home (if any).
9. Hotel, motel, boardinghouse	1 per room, plus 1 per employee (full time or part time).
10. Industrial use (manufacturing or assembly plant)	1 per 800 square feet.
11. Laundromat	1 per 2 washing machines, plus 1 per employee (full time or part time).
12. Medical center	1 per 250 square feet, plus 1 per employee (full time or part time).
13. Nursing home	1 per 3 beds, plus 1 space per employee (full time or part time).
14. Office	1 per 300 square feet.

Uses	Required Parking Spaces
15. Places of public or private assembly (church, community center, theater or similar meeting and assembly use)	1 per 3 seats or 1 per 100 square feet where no seats are provided, plus 1 per employee (full time or part time).
16. Residential use	2 per dwelling unit.
17. Restaurant, bar and tavern, fast-food establishment	1 per 30 square feet, plus 1 per employee (full time or part time).
18. Retail store and shop	1 per 200 square feet, plus 1 per employee (full time or part time).
19. School	1 per 5 students, plus 1 per employee, volunteer, and visitor (full time and part time).
20. Shopping centers	1 per 250 square feet, plus 1 per employee (full time or part time).
21. Vehicular sales	1 per 15 vehicles on display, inside or outside, plus 1 space for every employee (full time or part time).
22. Warehouse distribution	1 per 1,000 square feet, plus 1 per employee (full time or part time).

B. All Other Uses Not Provided for Herein. For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the developer and approved by the Borough Engineer. The study shall include the following:

- (1) Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).
- (2) Estimated parking duration per vehicle trip (turnover rate).
- (3) Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required.
- (4) Estimated number of employees; one space to be provided for every employee working on any given shift.

C. Additional parking in certain situations. As part of any required review, the Planning Commission or Zoning Officer or Zoning Hearing Board may require a use to provide off-street parking beyond what is required by this Part where such Commission/Zoning Officer/Board clearly demonstrates that such parking is needed because of the particular circumstances of the use.

§ 1603. Location and Management Requirements. [Ord. 766, 5/16/1996, § 16.2]

1. Existing Parking. Structures and uses existing on the effective date of this chapter shall not be subject to the requirements of this Part so long as the type or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
2. Changes in Requirements. Whenever there is an alteration of a structure or a change or extension of a use or a change in the floor area, number of employees, number of units or seating capacity which increases the parking requirements according to the standards, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
3. Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
4. Continuing Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. Reasonable precautions are to be taken by the owner of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.
5. Drainage, Surfacing and Maintenance. Drainage, surfacing and maintenance of off-street parking areas, including driveways and access drives, shall be completed in accordance with the Elizabethtown Borough Subdivision and Land Development Ordinance [Chapter 22].
6. Computation of Spaces. Where the computation of required parking space results in a fractional number, any fraction shall be counted as one.
7. Location of Spaces.
 - A. Single- and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.
 - B. Parking spaces for multiple-dwelling buildings, commercial and industrial uses shall be readily accessible to the buildings served thereby. Such spaces shall be in the same zoning district as the principal building or open area and conform to the following regulations:
 - (1) The required parking spaces shall be located within 600 feet of the principal building or open space in question measured from the edge of structure to edge of parking lot closest to structure.

- (2) The applicant for a use or building permit shall submit, with his application, a document duly executed and acknowledged which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such document to be recorded in the office of the Recorder of Deeds.

8. Lighting.

- A. All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.
- B. Any lighting used to illuminate off-street parking or loading areas shall be shielded from any street or residential use.
- C. Lighting used for normal hours of operation shall not be used after the close of business. Only low-level security lighting may be used after the close of business.

§ 1604. Design Standards. [Ord. 766, 5/16/1996, § 16.3; as amended by Ord. 975, 6/16/2016]

1. The Borough requires the following for commercial uses:
 - A. The interior parking area shall be landscaped with sufficient shade trees to provide fifty-percent shade within 15 years of installation.
 - B. All landscaping and screening shall be maintained by the property owner.
 - C. Parking for commercial uses, as defined in this chapter, shall be screened from adjacent residential uses, streets and walkways using trees and shrubs.
 - D. Completion of landscaping requirements may be postponed, due to seasonal weather conditions, for a period not to exceed six months from the time of project completion.
 - E. Off-street parking facilities shall be designed and constructed in accordance with the Elizabethtown Borough Subdivision and Land Development Ordinance (Chapter 22) in addition to complying with the provisions of this Part.
2. Where the required amount of parking spaces conflicts with the requirements listed in § 1604, the applicant, upon approval from the Zoning Officer, may substitute parking spaces with approved bike racks.¹⁵

¹⁵Editor's Note: For specific requirements for parking spaces, see § 1602.

§ 1605. Motor Vehicle Access. [Ord. 766, 5/16/1996, § 16.4]

Motor vehicle access to lots shall be provided in accordance with the Elizabethtown Borough Subdivision and Land Development Ordinance [Chapter 22].

§ 1606. Reduction in Off-Street Parking Areas. [Ord. 766, 5/16/1996, § 16.5; as amended by Ord. 882, 2/15/2007]

1. The Borough recognizes:
 - A. The importance of providing adequate, well-designed off-street parking areas.
 - B. The need to limit the amount of paved parking areas to preserve open space and limit stormwater runoff.
 - C. That unique circumstances associated with a land use may justify a reduction in the parking requirements of § 1602.
2. Reduction of parking requirements may be permitted as a conditional use by the Borough Council upon recommendation by the Elizabethtown Borough Planning Commission if the following conditions are met:
 - A. The design of the parking lot on the subdivision or land development plan identifies the ability to provide the required number of spaces. The plan identifies actual spaces provided and with justifying documentation.
 - B. A conditional reduction to 80% of the required number of parking spaces.
 - C. The balance of the area is conditionally reserved as open space for the intent of this section. The reserved area may not be buffer area and must be suitable to provide parking space.
 - D. A reduction of spaces may be approved where there are multiple uses of parking spaces (shared parking) and because of the nature of business have different peak uses and/or the additional use is supplemental to the primary use.
 - E. Area reserved for parking must remain as open space and cannot be used for additional use parking.
 - F. A written agreement between the Borough and the developer will identify the various conditions of parking reduction requirements, provide for a review one year after last occupancy certificate is issued of parking needs and identify if additional parking is required.
 - G. As part of the agreement, the Borough may require the developer to:

- (1) Require a study of traffic flow, parking, parking requirements and recommendations performed by a registered professional engineer agreeable to both parties.
 - (2) Post a bond, escrow account or other assurance to cover the cost of a traffic study.
- H. Provide that additional spaces, if needed, will be supplied at the owner's expense.

§ 1607. Off-Street Loading/Unloading. [Ord. 766, 5/16/1996, § 16.6]

1. General Requirements.
 - A. Each use shall provide off-street loading facilities, which meet the requirements of this Part, sufficient to accommodate the maximum demand generated by the use.
 - B. At the time of site plan review, the applicant shall prove that the use will have sufficient numbers and sizes of loading facilities and that no conflicts will be created. For the purposes of this Part, loading shall include unloading.
2. Design and Layout of Off-Street Loading Facilities. Off-street loading facilities shall be designed to conform to the following specifications:
 - A. Each off-street loading space shall be of sufficient size to provide for the largest vehicle that will load or unload to serve the use. This size shall be at least 14 feet in width by 60 feet in depth for a tractor-trailer, and 12 feet in width and 35 feet in depth for smaller trucks.
 - B. Each space shall have sufficient maneuvering room separate from other parking and loading areas to avoid traffic conflicts within and outside of the lot.
 - C. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, off-street parking setbacks and street rights-of-way.
 - D. An appropriate means of access to a street or alley shall be provided.
 - E. No such facilities shall be designed or used in any manner so as to constitute a significant nuisance, public safety hazard or an unreasonable impediment to traffic.
3. Fire Lanes. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the Borough.

PART 17

SIGNS¹⁶**§ 1701. Signs. [Ord. 882, 2/15/2007¹⁷]**

Signs may be erected and maintained only when in compliance with the provisions of this Part and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices. A sign shall be any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

§ 1702. Sign Definitions. [Ord. 882, 2/15/2007; as amended by Ord. 946, 3/21/2013]

ADVERTISING AND REAL ESTATE SIGN — A sign intended:

- A. To display information regarding any contractor or other service or business performing work on a lot or premises provided that such sign is removed immediately after the work is completed; or
- B. To relate information regarding a lot or property for sale, lease or rent, excluding real estate directional signs.

BILLBOARD SIGN — Same as "individual business freestanding signs."

DEVELOPMENT SIGN — A sign advertising the development of a premises, tract or property by a builder, developer or contractor or other party interested in such sale or development.

DIRECTIONAL SIGN — A sign indicating the direction or location of premises. Also included are real estate directional signs, which indicate the direction or location of a property for sale or lease, including signs for special real-estate-related events such as tours or open houses or similar events.

ELECTRONIC MESSAGE CENTER SIGN — A sign that repetitively indicates the time, temperature, and date.

FLASHING SIGN — A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Flashing signs shall include signs which blink on or off, strobe lighting and the like. Electronic message center signs are not flashing signs.

GARAGE/YARD SALE SIGN — A sign advertising the sale of personal items at a premises.

¹⁶Editor's Note: The Table of Sign Requirements is included at the end of this chapter.

¹⁷Editor's Note: This ordinance superseded former Part 17, Signs, as amended.

HOME OCCUPATION SIGN — A sign advertising the business, occupation, activity or use conducted within a residential dwelling or unit.

INDIVIDUAL BUSINESS AWNING SIGN — A sign painted on or attached to the cover of a metal, wooden, or canvas frame of a structural overhang, whether movable, hinged, rolling, folding, stationary or permanent.

INDIVIDUAL BUSINESS FREESTANDING SIGN — A sign intended to advertise a business, a nonprofit organization, or any other use. An individual business freestanding sign is on a self-supporting post or frame not attached to any building, wall or fence but in a fixed location. This sign does not include advertising and real estate signs, directional signs, sidewalk signs or other temporary or portable signs.

INDIVIDUAL BUSINESS PROJECTING SIGN — A sign to advertise a business or use, that is wall-mounted and perpendicular to the building surface.

INDIVIDUAL BUSINESS ROOF SIGN — A sign to advertise a business or use, erected upon a roof of any building or structure or part thereof, including the trim attached to the roof.

INDIVIDUAL BUSINESS SPECIAL EVENT SIGN — A sign to advertise a special event for a business or use that is temporary in nature, such as a sale event, grand opening, going-out-of-business, or other similar event.

INDIVIDUAL BUSINESS WALL SIGN — A sign to advertise the business or use, painted on or affixed to and paralleling the outside wall of a building and extending no more than 12 inches from such wall. Murals are considered as individual business wall signs.

INDIVIDUAL BUSINESS WINDOW SIGN — A sign advertising the business, products on display within the business and/or the use, which is painted or mounted onto a window pane or which is hung directly inside the window, for the purpose of identifying any premises from the street or sidewalk.

OFFICIAL SIGN — A sign erected by and for a federal, state, county or municipal agency.

POLITICAL SIGN — A sign promoting an individual for an elected federal, state, county or local office.

RESIDENTIAL IDENTIFICATION SIGN — A sign or nameplate identifying a house number and/or name of the occupant of a residential property.

SIDEWALK SIGN — A sign not permanently attached to the ground or other permanent structure, meant to be portable in nature and removed at the end

of the business day, such as menu or sandwich boards, flags, balloons, or other inflatable objects used for advertising or umbrellas used for advertising.

§ 1703. General Provisions. [Ord. 882, 2/15/2007; as amended by Ord. 946, 3/21/2013]

1. No sign shall be erected, enlarged or relocated until a permit has been issued by the Zoning Officer, unless otherwise stated in this chapter.
2. No sign shall be placed in such a position that it will cause danger or hazard on a street or sidewalk by obscuring view and in no case, except for official signs, shall signs be placed within the required clear-sight triangle.
3. No sign, except official signs and sidewalk signs, shall be allowed within the street right-of-way. A sidewalk sign shall not be located in a public accessway.
4. No portion of any individual business freestanding sign shall be located closer to any lot line than 1/2 the required yard for the district in which it is located or 10 feet from the property line, whichever is greater.
5. No person shall paint, paste, brand, stamp, or in any manner whatsoever permanently attach to any tree, telegraph, electric light or other pole on any street in the Borough any written, printed, painted or other advertisement, bill, notice, sign, card or poster.
6. No sign shall be erected containing information on which it states or implies that a property may be used for any purpose not permitted under the applicable district provisions of this chapter.
7. No sign, except for yield, regulatory or official municipal signs, shall use the words "stop," "caution," or "danger," or shall use "stop" or "yield" signs in shape or color, or shall simulate a traffic or regulatory sign.
8. In addition to the other requirements of this Part, every sign must be constructed of durable materials, be kept in good repair, not be allowed to become dilapidated, and be in compliance with other applicable State and local codes and ordinances.
9. If the Zoning Officer finds that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days after such notice, such sign may be removed or altered to comply by the Zoning Officer at the expense of the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure which is in immediate peril to persons or property to be removed summarily and without

- prior notice, provided that written notice of such action shall be furnished to the owner of such sign within five days after the date of such removal.
10. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
 11. No signs shall be permitted which are permanently attached to public utility poles or trees within the right-of-way of any street.
 12. (Reserved)
 13. All electrically illuminated signs shall be constructed in accordance with the standards prescribed in the Uniform Construction Code.
 14. No vulgar, indecent or obscene advertising matter shall be displayed in any manner.
 15. Signs which emit smoke, steam or other visible particles or odor are prohibited.
 16. No signs shall be placed so as to create a hazard to pedestrian or vehicular traffic.
 17. Towable or portable signs or changeable message boards (whether placed on the yard or a truck or trailer) shall not be permitted in any residential districts. In the Central Business District, towable signs are permitted for community events such as those sponsored by the Borough, Elizabethtown Area School District, and the Elizabethtown Area Chamber of Commerce. Display shall not exceed 48 hours per event.
 18. Signs permitted within the Borough are limited to those identified or defined in this chapter. Other signs not so identified or defined herein have been determined to be contrary to the stated purposes of this chapter as set forth in § 103.
 19. Any sign to be erected on any property or lot is limited to the use of that property on which it is located, except with regard to directional signs. Signs advertising uses or businesses not being conducted on the property or lot on which the sign is erected shall not be permitted.
 20. (Reserved)
 21. Limitations upon painted wall signs (murals) shall be waived for proposed signs approved by and participating in the official Elizabethtown Borough Mural Program administered by the EEDC. In the absence of participation in this program, all painted wall signs (murals) shall be subject to dimensional and other requirements for wall signs as provided for in this chapter.

22. Internally illuminated signs are not permitted in the residential zones. An internally illuminated sign must comply with the regulations of its type of sign.

§ 1704. Computation of Sign Area. [Ord. 882, 2/15/2007]

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed.
2. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape that encompasses all of the letters and symbols.
3. In computing square-foot area of a double-faced sign, only one side shall be considered, provided both faces are identical.

§ 1705. Nonconforming Signs. [Ord. 882, 2/15/2007]

1. Any sign lawfully existing at the time of passage of this chapter which does not conform with the regulations herein shall be considered nonconforming and may continue in its present use and location until replacement or rebuilding becomes necessary. At such time, a permit shall be required, and the sign must conform with all provisions of this chapter in effect at the time the permit is requested.

§ 1706. Permit Application and Fees. [Ord. 882, 2/15/2007]

1. Except for signs exempted herein, no person shall erect, cause to be erected, change or alter any sign on any property within the Borough until a permit for the same has been issued by the Zoning Officer. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this chapter are adhered to. Application for a permit shall be made on an authorized Borough form and shall be accompanied by the following:
 - A. A detailed scale drawing showing the sign and its intended location.
 - B. A description of its type, construction, manner and method of installation, and materials to be used.
 - C. Written authorization of the owner of the property if other than the applicant.
 - D. A permit fee as established by Borough Council.

PART 18

AIRPORT HAZARD REGULATIONS**§ 1801. Definitions. [Ord. 766, 5/16/1996, § 18.0]**

The following words and phrases, for the purposes of this Part only, shall have the meaning given to them in this Section, unless the context clearly indicates otherwise:

AIRCRAFT — Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT — Any area of land or water which is used or intended to be used for the landing and takeoff of aircraft and any appurtenant areas which are used or intended to be used for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term airport includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

AIRPORT ELEVATION — 310 feet mean elevation in the case of the Harrisburg International Airport; defined as the highest point of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous as defined by Act 164 of 1985.

AIRPORT HAZARD AREA — Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Part and Act 164 of 1984.

APPROACH SURFACE — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in this Part. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES — These zones are set forth in this Part.

BOARD OF APPEALS OR ADJUSTMENT — The Borough of Elizabethtown Zoning Hearing Board.

CONICAL SURFACE — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

DEPARTMENT — The Pennsylvania Department of Transportation.

FAA — The Federal Aviation Administration of the United States Department of Transportation.

HEIGHT — For the purpose of determining the height limits in all zones set forth in this Part and shown on the Zoning Map, the datum shall be mean sea level elevation, unless otherwise specified.

HORIZONTAL SURFACE — A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

LARGER-THAN-UTILITY RUNWAY — A runway that is constructed for the intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

NONCONFORMING INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment, for which a straight-in nonprecision-instrument approach procedure has been approved or planned.

NONCONFORMING USE — Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this Part or an amendment thereto.

OBSTRUCTION — Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this Part.

PERSON — An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this Part. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRIVATE AIRPORT — An airport which is privately owned and which is not open or intended to be open to the public as defined by State or Federal law.

PUBLIC AIRPORT — An airport which is either publicly or privately owned and which is open to the public, as defined by State or Federal law.

RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE — An object, including a mobile object, constructed or installed by man, including but without limitation buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES — These surfaces extend outward at 90° angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90° angles to the extended runway center line.

TREE — Any object of natural growth.

UTILITY RUNWAY — A runway that is constructed for an intended to be used by propeller driven aircraft of 12,500 pounds' maximum gross weight or less.

VISUAL RUNWAY — A runway intended solely for the operation of aircraft using approach procedures.

§ 1802. Airport Surface Zones. [Ord. 766, 5/16/1996, § 18.1]

In order to carry out the provisions of this Part, there are hereby created and established certain zones, to the extent they are in the Borough, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Harrisburg International Airport. Such zones are shown on the Borough of Elizabethtown Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated 1989, which is hereby made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more-restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Conical Surface Zone. Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends therefrom a horizontal distance of 4,000 feet.
- B. Horizontal Surface Zone. Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by

drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

- C. Precision Instrument Runway Approach Surface Zone. Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- D. Runway Larger Than Utility Visual Approach Surface Zone. Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- E. Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach Surface Zone. Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- F. Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuance of the center line of the runway.
- G. Transitional Surface Zones. Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation Zoning District Map.
- H. Utility Runway Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- I. Utility Runway Visual Approach Surface Zone. Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from

the primary surface. Its center line is the continuation of the center line of the runway.

§ 1803. Airport Surface Zone Height Limitations. [Ord. 766, 5/16/1996, § 18.2]

Except as otherwise provided in this Part, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Part to a height in excess of the applicable height limit herein established for such zone.

A. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Conical Surface Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height of 660 feet above mean sea level.
- (2) Horizontal Surface Zone. Established at 150 feet above the established airport elevation or at a height of 460 feet above mean sea level, in the case of the Harrisburg International Airport.
- (3) Precision Instrument Runway Approach Surface Zone. Slopes 50 feet outward for each foot upward beginning at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.
- (4) Runway Larger Than Utility Visual Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- (5) Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach Surface Zone. Sloped 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
- (6) Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
- (7) Transitional Surface Zone. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of

150 feet above the airport elevation, which is 310 feet above mean sea level in the case of the Harrisburg International Airport. In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway-approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90° angles to the extended runway center line.

- (8) Utility Runway Nonprecision Instrument Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
 - (9) Utility Runway Visual Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- B. Excepted height limitations. Nothing in this Part shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 60 feet above the surface of the land.

§ 1804. Airport Zoning Requirements. [Ord. 766, 5/16/1996, § 18.3]

- 1. Use Restrictions. Notwithstanding any other provision of this Part, no use may be made of land or water within any zone established by this Part in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
- 2. Nonconforming Uses.
 - A. Regulations Not Retroactive. The regulations prescribed by this Part shall not be construed to require the removal, lowering or other change or alternation of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any nonconforming use, except as provided in this Part relating to permits and variances. Nothing contained herein shall require any change in the construction, alteration or intended

use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently executed.

- B. Marking and Lighting. Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Borough Council of the Borough of Elizabethtown to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the owner of structures or objects.

§ 1805. Permits and Variances; Enforcement; Notice. [Ord. 766, 5/16/1996, § 18.4]

1. Future Uses.

- A. Except as specifically provided in this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Part shall be granted unless a variance has been approved in accordance with Subsection 4 hereafter.

- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such approach zones.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet of vertical

height above the ground, except when such tree or structure, because of terrain, land contour or topographic feature, would extend above the height limit prescribed for such transition zones.

- B. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Part, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
- 2. Existing Uses. Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the Borough authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Part or any amendments thereto or than it is when the application for a permit is made.
 - 3. Nonconforming Uses Abandoned or Destroyed. Whenever the Borough Council of the Borough of Elizabethtown determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure to tree to exceed the applicable height limit or otherwise deviate from this Part.
 - 4. Variance.
 - A. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of Subsections 6 and 7 hereafter are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of this Part. Any variance may be granted subject to any reasonable condition that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Part.
 - B. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for

variance to the requirements of this Part may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the airport manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the airport manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

5. Hazard Marking and Lighting. In granting any permit or variance under this Section, the Board shall, if it deems the action advisable to effectuate the purpose of this Part and reasonable under the circumstances, so condition the permit or variance as to required the owner of the structure or object of natural growth in question to permit the Borough, at its own expense, or require the person or persons requesting the permit or variance to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.
6. Local Enforcement. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose. Applications required by this Part to be submitted to the Zoning Officer shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.
7. Notice to Department. Notwithstanding any other provision of law, the Borough or board which decides to grant a permit or variance under this Part shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent so as to reach the Department at least 10 days before the date which the decision is to issue.

§ 1806. Relationship to Existing Districts. [Ord. 766, 5/16/1996, § 18.5]

These airport hazard regulations shall be an overlay zoning district to the existing zoning districts. All of the provisions of the underlying zoning districts shall remain in full force, except that these additional procedures and requirements of this Part also apply. In the event of conflict between the regulations of this Part and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether the other regulations were adopted in this chapter, in another ordinance, by some other municipality, by the State or Federal government or otherwise, the more stringent limitation or requirement shall govern and prevail.

§ 1807. Appointment of Board of Appeals. [Ord. 766, 5/16/1996, § 18.6]

For purposes of this Section, the Elizabethtown Zoning Hearing Board is appointed as the Board of Appeals, to hear and decide appeals, special exceptions and requests for variances pursuant to this Part.

PART 19

NONCONFORMING BUILDINGS AND USES

§ 1901. Nonconforming Buildings and Uses. [Ord. 766, 5/16/1996, § 19.0; as amended by Ord. 975, 6/16/2016]

All lawful or previously nonconforming buildings and/or structures, lots, signs, fences, architectural and engineering retaining walls, excluding nonconforming uses, existing on the effective date of this section, may be continued, altered, restored, reconstructed, changed, sold or maintained even though such structures may not conform to the regulations of the district in which it is located.

§ 1902. Alterations. [Ord. 766, 5/16/1996, § 19.1]

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing, such alterations and repairs are in conformance with the regulations set forth in this chapter and other applicable codes and ordinances adopted by the Borough.

§ 1903. Extensions or Enlargements. [Ord. 766, 5/16/1996, § 19.2; as amended by Ord. 882, 2/15/2007]

1. The types of extensions and enlargements listed below are permitted, with Zoning Hearing Board approval, for nonconforming uses and buildings existing on the effective date of this chapter:
 - A. The extension of a nonconforming use of land upon a lot occupied by such use.
 - B. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - C. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - D. The extension or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
 - A. The extension or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. Extension or enlargement shall not exceed 33 1/3% of the existing floor area or use. The extension or enlargement

of a nonconforming use or structure housing a nonconforming use granted herein shall not be interpreted to be in addition to any expansion previously granted under prior zoning regulations unless the previous expansion was less than otherwise permitted herein.

- B. The entire building or use shall be provided with off-street parking and loading spaces as required by Part 16.
- C. The extension or enlargement does not replace a conforming use.
- D. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.
- E. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic vibration or illumination in excess of the existing nonconforming use.

§ 1904. Reconstruction/Restoration. [Ord. 766, 5/16/1996, § 19.3]

A nonconforming building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts may be reconstructed and used for the same purposes, provided:

- A. The reconstruction and/or restoration of the building is commenced within one year from the date of occurrence of the damage and is carried to completion without undue delay.
- B. The reconstructed building or occupied area does not exceed the height, area and volume of the original structure and occupied use.

§ 1905. Discontinuance. [Ord. 766, 5/16/1996, § 19.4; as amended by Ord. 975, 6/16/2016]

If a nonconforming use or building ceases operations for a continuous period of more than 12 months, then such use and any subsequent use or building shall conform to the regulations of this chapter.

§ 1906. Nonconforming Lots. [Ord. 766, 5/16/1996, § 19.5]

Any lot held in single and separate ownership at the effective date of this chapter which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered nonconforming. A building may be

erected upon any vacant nonconforming lot provided a special exception is authorized by the Zoning Hearing Board, and, further provided, that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this chapter. Such development shall comply with the following provisions:

- A. The proposed use is permitted within the district in which it is located.
- B. Proposed building shall comply with all applicable area, height and bulk regulations including, but not limited to, applicable district requirements and yard requirements as set forth in the supplementary regulations.

§ 1907. Nonconforming Signs. [Ord. 766, 5/16/1996, § 19.6]

Signs in existence at the effective date of this chapter, or amendments thereto, may be continued subject to the regulations contained in Part 17.

PART 20

ADMINISTRATION AND ENFORCEMENT

§ 2001. Appointment and Powers of Zoning Officer. [Ord. 766, 5/16/1996, § 20.0]

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.

A. The Zoning Officer shall:

- (1) Administer this chapter in accordance with its literal terms.
- (2) Identify and register nonconforming uses and nonconforming structures.
- (3) Receive and examine all applications required under the terms of this chapter.
- (4) Issue or refuse permits within 15 days of the receipt of the application, except as specifically provided for in this chapter.
- (5) Receive complaints of violations of this chapter.
- (6) Issue a written notice of violation to any person violating any provision of this chapter.
- (7) Keep records of applications, permits and certificates issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued.
- (8) Make all required inspections and perform all other duties as called for in this chapter.

B. The Zoning Officer shall not have the power to permit any construction, use or change of use which does not conform to this chapter.

§ 2002. Enforcement, Penalty and Remedy. [Ord. 766, 5/16/1996, § 20.1; as amended by Ord. 808, 4/20/2000, § 1; and by Ord. 889, 9/20/2007, § 1]

1. Duty of Zoning Officer. It shall be the duty of Zoning Officer, and he is hereby given the power and authority to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough Council may require. Permits for construction and uses which are a special

exception, or a variance to requirements of this chapter shall be issued only upon approval by the Zoning Hearing Board.

2. Violations. The construction, excavation alteration, maintenance or use of any structure, building sign, land or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this chapter; or the use of property for use different from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for such new or different use; or the failure to comply with any other provision of this chapter; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Borough Council or by a court of competent jurisdiction of a special exception, variance or conditional use is granted by such court are hereby declared to be violations of this chapter.
3. Enforcement Notice. If it appears to the Zoning Officer that a violation of this chapter shall exist, the Zoning Officer shall send an enforcement notice (also known as a "notice of violation and cease and desist order") to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the Borough may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other person against whom the Borough may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter, the date before which steps for compliance must be commenced and the date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within 30 days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this chapter.
4. Enforcement Action. If the enforcement notice is not promptly complied with, the Zoning Officer, following consultation with the Borough Council and/or the Borough Solicitor, shall be authorized to institute an appropriate action or proceeding at law or in equity to prevent, restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Zoning Officer, following consultation with Borough Council and/or Borough

Solicitor, shall also be authorized to institute a civil enforcement proceeding before a District Justice.

5. Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Borough for the general use of the Borough.
6. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

§ 2003. Permits. [Ord. 766, 5/16/1996, § 20.2; as amended by Ord. 882, 2/15/2007]

1. Requirement of Permit. A building and/or zoning permit shall be required prior to the erection, addition or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor.

- A. Placement of fences, walls and signs require permits, and the regulations regarding fences are provided in § 1302, Subsection 5, and for signs in § 1701.
 - B. Placement of driveways, or expansion of dimensions of existing driveways, shall require a permit and shall be subject to the regulations regarding driveways set forth in § 1323.
 - C. Placement of any dumpster in the street, municipal right-of-way or any lot shall be subject to the provisions of § 1317D and the Refuse and Recycling Ordinance, Chapter 20.
 - D. No permit shall be required for maintenance of any building or structure, as that term is defined in this chapter, except as otherwise provided by State law.
2. Application for Permits. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
3. Issuance of Permits.
- A. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration complies with all the provisions of this chapter, as well as the provisions of all other applicable ordinances.
 - B. Zoning Officer shall act upon request within 30 days following application.
 - C. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.
4. Temporary Permits. A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such permits shall be issued for a specified period of

time not to exceed one year, and may be renewed annually for an aggregate period not exceeding two years.

5. A variance, special exception, or conditional use for which a building permit will be issued shall not be transferable to a subsequent owner in the event that the erection, construction, reconstruction, or alteration authorized has not been completed prior to transfer. Conditional use approvals, special exception use approvals, and use variances are not transferable to a subsequent owner.

§ 2004. Fees. [Ord. 766, 5/16/1996, § 20.3]

1. The Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Officer, and may be amended only by Borough Council.
2. Such fees shall be payable to the Borough and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any application or appeal.

§ 2005. Zoning Hearing Board. [Ord. 766, 5/16/1996, § 20.4; as amended by Ord. 829, 11/15/2001; and by Ord. 946, 3/21/2013]

1. Appointment.
 - A. The Zoning Hearing Board shall continue, with three members appointed by the Borough Council, and have such powers and authority as set forth in Article IX, Pennsylvania Municipalities Planning Code (Act 247), as amended. The duly established Zoning Hearing Board shall have the following functions.
 - B. Members of the Board shall hold no other office in the Borough.
2. Vacancies.
 - A. The Board shall promptly notify Borough Council of any vacancies which occur.
 - B. Appointments to fill vacancies shall be only for the unexpired portion of a term.
3. Removal.

- A. Any Board member may be removed for just cause by a majority vote of Borough Council, if the member has received 15 days notice of the intent to take such a vote.
 - B. A hearing shall be held in connection with the vote, if the member so requests it in writing.
- 4. Organization.
 - A. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 - B. For the conduct of any hearing and taking of any action, a quorum shall be not less than majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and parties may waive further action by the Board.
 - C. The Board may make, alter and rescind rules and forms for its procedure, consistent with all applicable Borough ordinances and laws of the Commonwealth.
- 5. Expenditures.
 - A. Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
 - B. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council.
- 6. The Zoning Hearing Board shall have jurisdiction as set forth in Article IX of the Municipalities Planning Code¹⁸ and/or any State law or municipal ordinance promulgated by legislative enactment and/or case law transmitted by a judicial decision from any court of competent jurisdiction.

§ 2006. Appeals and Applications. [Ord. 766, 5/16/1996, § 20.5]

- 1. An appeal, or application for an amendment, special exception, conditional use or variance from the terms of this chapter shall be filed with the Zoning Officer and shall contain:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of the real estate to be affected by such proposal.

¹⁸Editor's Note: See 53 P.S. § 10901 et seq.

- C. A brief description and location of the real estate to be affected by such proposal.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
- G. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.

§ 2007. Special Exceptions. [Ord. 766, 5/16/1996, § 20.6A; as amended by Ord. 882, 2/15/2007]

- 1. Where provided for in this chapter, the Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247, as amended in this chapter. The Board may grant approval of a special exception provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood.
- 2. Standards.
 - A. The applicant shall provide evidence of compliance with all conditions for such special exception as provided for in Part 14.
 - B. The applicant shall provide evidence that the proposed special exception shall be properly serviced by existing streets. The peak traffic generated by the use shall be accommodated in a safe and efficient manner or improvements made in order to effect the same.

- (1) For industrial and commercial special exception applications, the applicant shall demonstrate, through the use of traffic studies or other applicable data, that the granting of the special exception shall not increase traffic congestion on streets within the Borough.
- C. The applicant shall provide evidence that the proposed special exception shall be properly served by utilities, police protection, fire protection and parts and recreation facilities.
- D. The applicant shall submit a site plan drawn to a scale of not more than 100 feet to one inch containing the following information:
 - (1) Location of all existing floodplains, watercourses, wetlands, rights-of-way, easements, areas of subsidence, wooded areas and other significant natural features on the tract.
 - (2) The location of all streets, adjacent tracts and buildings within 200 feet of the tract.
 - (3) Location of all proposed land uses including residential uses by type.
 - (4) Number of proposed lots and/or dwelling units or nonresidential structures and lot sizes.
 - (5) Location of public water and sewer lines.
 - (6) All proposed site grading and drainage provisions.
 - (7) Zoning data.
 - (8) Certification of site plan by professional engineer/surveyor.
 - (9) Certification of ownership and acknowledgment of plans signed by owner.
- E. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
- F. The proposed special exception shall not significantly detract from the use of neighboring properties or from the character of the neighborhood and that the use of adjacent property is adequately safeguarded.
- G. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration

or change in use authorized by the special exception within two years from the date of authorization thereof by the Board or by the court if such variance has been granted after an appeal. The Board may, for reasonable cause, extend the approval for an additional period of up to one year upon the written request by the applicant.

- H. A variance, special exception, or conditional use for which a building permit will be issued shall not be transferable to a subsequent owner in the event that the erection, construction, reconstruction, or alteration authorized has not been completed prior to transfer. Conditional use approvals, special exception use approvals, and use variances are not transferable to a subsequent owner.

§ 2008. Variances. [Ord. 766, 5/16/1996, § 20.6B; as amended by Ord. 882, 2/15/2007]

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. Application for said variance shall be made in accordance with this chapter. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the district which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.
- F. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

- G. Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization thereof by the Board, or by the court if such variance has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance within two years from the date of authorization thereof by the Board, or by the court if such variance has been granted after an appeal. The Board may, for reasonable cause, extend the approval for an additional period of up to one year, upon the written request by the applicant.
- H. A dimensional variance, special exception, or conditional use for which any permit and/or license shall be required from the Borough to be issued to an applicant shall not be transferrable in the event that the erection, construction, reconstruction, or alteration authorized has not been completed prior to transfer. Conditional use approvals, special exception use approvals, and approved use variances are not transferrable to a subsequent owner.
[Amended by Ord. 975, 6/16/2016]

§ 2009. Appeals from a Decision of the Zoning Officer. [Ord. 766, 5/16/1996, § 20.7; as amended by Ord. 882, 2/15/2007]

1. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board.
2. Every appeal or application shall include the following:
 - A. The name and address of the applicant, or appellant.
 - B. The name and address of the owner of the property to be affected by such proposed change or appeal.
 - C. A brief description and location of the property to be affected by such proposed change or appeal.
 - D. A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.
 - E. A statement of the section of this chapter under which the appeal is made and reasons why it should be granted, or a statement on the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.
 - F. A reasonably accurate description of the additions or changes intended to be made under the application, indicating the size material, and general construction of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size or existing and intended improvements, shall be attached to the description.

- G. Applications to the Zoning Hearing Board must be filed no later than three weeks prior to the scheduled hearing date to allow sufficient time for required advertising and notifications.

§ 2010. Hearings. [Ord. 766, 5/16/1996, § 20.8; as amended by Ord. 882, 2/15/2007; and by Ord. 946, 3/21/2013]

The Board shall conduct hearings and make decisions in accordance with the following:

- A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
- (1) Notice to the public shall be published at least twice in a newspaper of general circulation in the Borough.
 - (a) The first publication shall be not more than 30 days and the second notice shall not be less than seven days from the date of the hearing.
 - (b) The notices shall state the time and place of the hearing and the particular nature of the matter to be considered.
 - (2) Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - (3) Written notice shall be given to the applicant, the Zoning Officer and Planning Commission, Borough Council, adjoining property owners within 200 feet (including those across the street) and any other person or group (including civic or community organizations) who has made a timely request for such notice, by personally delivering or mailing a copy of the published notice.
 - (4) Other municipalities.
 - (a) In any matter which relates to a property which lies within 500 feet of the boundary of another municipality, the Secretary of the Board shall transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing on such matters, not later than one day after publication thereof.
 - (b) The other municipality shall have the right to appear and to be heard at the public hearing.
- B. Parties.
- (1) The parties to the hearing shall be the Borough, any person affected by the application who has made a timely appearance of record before

the Board, and any other person, including civic or community organizations, permitted to appear before the Board.

- (2) The Board shall have the power to require that all persons who wish to be considered parties enter appearances in written on forms provided by the Board for that purpose.
- C. The Zoning Hearing Board shall conduct its hearings and render its decision in accordance with the requirements of the Municipalities Planning Code (MPC).

§ 2011. Conditional Uses. [Ord. 766, 5/16/1996, § 20.9; as amended by Ord. 882, 2/15/2007]

1. Where provided for in this chapter, the Borough Council shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and this chapter. The Borough Council may grant approval of the conditional use provided that the applicant complies with the following standards for conditional uses and that the proposed conditional use shall not be detrimental to the health, safety or welfare of the neighborhood.
2. Standards.
 - A. The applicant shall provide evidence or compliance with all conditions for such conditional use as provided for in Part 15.
 - B. The applicant shall provide evidence that the proposed conditional use shall be properly serviced by existing streets. The peak traffic generated by the use shall be accommodated in a safe and efficient manner or improvements made in order to effect the same.
 - (1) For industrial and commercial conditional use applications, the applicant shall demonstrate, through the use of traffic studies or other applicable data, that the granting of the conditional use shall not increase traffic congestion on streets within the Borough.
 - C. The applicant shall provide evidence that the proposed conditional use shall be properly served by utilities, police protection, fire protection and parks and recreation facilities.
 - D. The applicant shall submit a site plan drawn to a scale of not more than 100 feet to one inch containing the following information:

- (1) Location of all existing floodplains, watercourses, wetlands, rights-of-way, easements, areas of subsidence, wooded areas, and other significant natural features on the tract.
 - (2) The location of all streets, adjacent tracts and buildings within 200 feet of the tract.
 - (3) Location of all proposed land uses including residential uses by type.
 - (4) Number of proposed lots and/or dwelling units or nonresidential structures and lot sizes.
 - (5) Location of public water and sewer lines.
 - (6) All proposed site grading and drainage provisions.
 - (7) Zoning data.
 - (8) Certification of site plan by professional engineer/surveyor.
 - (9) Certification of ownership and acknowledgment of plans signed by owner.
- E. The applicant shall provide Borough Council with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
- F. The proposed conditional use shall not significantly detract from the use of neighboring properties or from the character of the neighborhood and that the use of adjacent property is adequately safeguarded.
- G. Unless otherwise specified by Borough Council or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization thereof by Borough Council or by the court if such conditional use has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the conditional use within two years from the date of authorization thereof by Borough Council or by the court if such variance has been granted after an appeal. Borough Council may, for reasonable cause, extend the approval for an additional period of up to one year upon the written request by the applicant.
- H. A variance, special exception, or conditional use for which a building permit will be issued shall not be transferable to a subsequent owner in the event that the erection, construction, reconstruction, or alteration authorized has not been completed prior to transfer.

Conditional use approvals, special exception use approvals, and use variances are not transferable to a subsequent owner.

- I. For conditional use hearings, the initial hearing shall be commenced within 60 days of the applicant's request, unless an extension is agreed upon. Each subsequent hearing on the request, if any, shall occur within 45 days of the prior hearing, and all hearings shall be completed within 100 days of the date the applicant has completed its case in chief, unless extended by application to the Lancaster County Court of Common Pleas. Additionally, the applicant must complete its case within 100 days of the date of application. Hearings may be conducted by an independent attorney or Council.

§ 2012. Amendments. [Ord. 766, 5/16/1996, § 20.10; as amended by Ord. 876, 8/17/2006; and by Ord. 882, 2/15/2007]

1. Procedure. The Borough Council may, from time to time, amend, supplement or repeal any of the regulations and provisions of this chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Borough Planning Commission, must be referred to the Borough Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the chapter amendment by the Borough Council, the Borough Planning Commission shall submit the proposed ordinance or amendments to the Lancaster County Planning Commission for recommendations. Amendment procedures shall be in compliance with § 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
2. Procedure Upon Curative Amendments. The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, §§ 609.1 and 609.2.
3. Publication, Advertisement and Availability of this Chapter. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner as set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief

summary, prepared by the Borough Solicitor, and setting forth all provisions in reasonable detail. If full text is not included, a copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

4. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§ 2013. Zoning Amendment Application Requirements. [Ord. 766, 5/16/1996, § 20.11]

The Borough Council shall have the power to enact, by resolution, zoning change application requirements for those requesting a zoning change of a land area in the Borough from one zoning classification to another zoning classification.

§ 2014. Interpretation, Purpose, and Conflict. [Ord. 766, 5/16/1996, § 20.12]

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this chapter shall control.

PART 21

ZONING RECLASSIFICATIONS

§ 2101. Zoning Reclassifications.

Ordinance	Date	Subject
836	9/19/2002	Reclassifying from R-2 Residential District to R-3 Residential District three tracts of land located south of the lands of Amtrak Tax and Insurance Department, east of West Bainbridge Street and west of the municipal boundary with West Donegal Township, containing 35 acres, more or less.
856	3/17/2005	Reclassifying from Institutional to R-1 Residential District three tracts of land located between Hampden Road and Hampden Road Extended.
876	8/17/2006	<p>Reclassifying from the Institutional, R-3 Residential and General Industrial Zoning Districts to the MU Mixed-Use Zoning District an area of land located within the Borough of Elizabethtown, bounded as follows:</p> <p>Beginning on the westerly side of Peach Alley at its intersection with West Bainbridge Street; thence running north on the westerly side of Peach Alley to the north side of Winnemore Alley; thence through Winnemore Alley and on the same line across the Conoy Creek to the lands now or formerly of White Oak Mills; thence following the lands of White Oak Mills west and south to West High Street; thence northwest and then following property lines for properties fronting on West High Street crossing North Wilson Avenue and the Amtrak Railroad Line to lands of the Masonic Village; thence northwest along said lands to a point; thence proceeding southeastward in a straight line to West Bainbridge Street; thence along West Bainbridge Street to the northeast side of Masonic Drive; thence southeast to the property line of Conoy Crossing lands; thence along same to the Amtrak Railroad Line; thence by a curved line northwesterly and following lands of Masterfoods, USA. behind properties of South Brown Street around the land of Agri-Basics crossing South Brown Street eastward; thence following behind properties of the east side of South Brown Street at the northerly boundary of Agri-Basics south to the line to the Conoy Creek and then following the line of Conoy Creek to the easterly side of South Poplar Street; thence southeast along the Conoy Creek to West Bainbridge Street; and then in a northeasterly direction to the south side of Peach Alley, the place of beginning.</p>

Ordinance	Date	Subject
		Said lands contain approximately 104 acres, more or less, located in the Borough.
887	8/16/2007	Reclassifying from R-1 to R-2 Residential one tract of land of approximately 0.5 acre situated at 125 North Locust Street. The half-acre parcel is a landlocked parcel located approximately 140 feet to the west of North Locust Street and 140 feet to the south of East Willow Street.
947	3/21/2013	<p>Reclassifying from R-2, R-3 Residential and Central Business District(s) to Mixed-Use District the area shall be bounded as follows:</p> <p>Beginning on the westerly side of South Spruce Street at the intersection of Sand Alley; thence running north on the westerly side of South Spruce Street to the south side of Apple Alley running west to the lands now or formerly owned by the Borough of Elizabethtown; thence following the lands of the Borough of Elizabethtown west running north on Cherry Alley to Apple Alley; thence through the southerly side of Apple Alley running west to Peach Alley; thence the easterly side of Peach Alley running south to Sand Alley; thence running east along the northerly side of Sand Alley to South Spruce Street.</p>